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Florida.

Acts of the Legislative
Council of the Territory of
Florida

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TWENTY-SECOND SESSION.

THE

ACTS AND RESOLUTIONS

OF THE

LEGISLATIVE COUNCIL

OF THE

TERRITORY OF FLORIDA.

PASSED AT ITS TWENTY-SECOND SESSION.

WHICH COMMENCED ON THE FIRST DAY OF JANUARY, AND ENDED ON THE
FIFTEENTH DAY OF MARCH, 1844.

BY AUTHORITY.

TALLAHASSEE
PRINTED AT THE OFFICE OF THE STAR OF FLORIDA.
1844.

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1844.

RICHARD K. CALL,

GOVERNOR OF THE TERRITORY.

THOMAS H. DUVAL,

SECRETARY OF THE TERRITORY.



SENATE.

GEORGE WALKER,

PRESIDENT.

THOMAS BROWN,

SECRETARY.



HOUSE OF REPRESENTATIVES.

JOSEPH B. LANCASTER,

SPEAKER.

HUGH ARCHER,

SECRETARY.

A List of Acts,

Passed by the Legislative Council at its Twenty-second Session.

1. An act to organize a county to be called Marion county.
2. An act for the benefit of the City Hospital at Apalachicola.
3. An act to repeal an act establishing a tariff of fees, passed 10th March, 1843.
4. An act to fix the time of holding the Superior Courts in Marion county.
5. An act for the relief of Francis R. Sanchez, and others.
6. An act for the relief of J. B. Bull and ex'ors P. Kerr.
7. An act to authorize the Clerk of St. John's county to refund certain taxes.
8. An act to provide for holding an additional term of the Superior Court in the Eastern District.
9. An act to incorporate the Apalachicola Fire Company.
10. An act for the relief of Buckingham Smith.
11. An act to establish a Superior Court in Mosquito county.
12. An act to organize the Jacksonville Guards.
13. An act to define more particularly the boundary lines of Columbia and Duval counties.
14. An act to empower Maria F. Garey to sell certain town lots in the town of Monticello.
15. An act to regulate the taking of testimony in Chancery proceedings.
16. An act to amend an act incorporating the City of Apalachicola.
17. An act to authorize the civil officers of Benton county to officiate at their respective houses.
18. An act to establish and organize a Mayor's Court in Apalachicola.
19. An act for the relief John Burgdoff.
20. An act to provide for a public school in Franklin county.
21. An act to authorize Alexander McAlpin to establish a ferry across the Chipola river.
22. An act to divorce Martha Connor.
23. An act supplementary to an act approved 5th March 1842, relative to roads and highways.
24. An act to change the present county site of Calhoun county.
25. An act to divorce William H. Brouss.
26. An act to authorize William Pennington to establish a ferry across the Withlacoochie river.

28. An act relative to roads and highways in Nassau county.
29. An act to provide for Pilots for the port of Cedar Keys.
30. An act to authorize Thomas Livingston to establish a ferry across the Suwannee river.
31. An act to authorize William Frink to establish a ferry across the Suwannee river.
32. An act for the relief of S. S. Sibley.
33. An act to amend an act now in force in this Territory in relation to roads, highways, and ferries.
34. An act for the relief of a person therein named.
35. An act to authorize Wm. J. Hendricks to keep a ferry at the cow ford on St. John's river.
36. An act to organize the Florida Artillery Company.
37. An act to authorize Maria Doggett to keep a ferry at Jacksonville on the St. John's river.
38. An act to amend an act fixing the time of holding the Superior Courts of the Apalachicola District.
39. An act to change the present boundary lines of Hernando county.
40. An act to incorporate the Southern Greys.
41. An act to alter and change the name of Rebecca Stephens.
42. An act to authorize Lewis B. Davis to establish a ferry across the Suwannee river, at a place known as Booth's Spring.
43. An act to incorporate the Protestant Episcopal Church at Monticello.
44. An act to change the time of holding the County Court in Santa Rosa county.
45. An act to establish and regulate Pilotage on the waters, and in the harbor of Mosquito.
46. An act to authorize Joseph Forsyth to build a bridge across Pond Creek in Santa Rosa.
47. An act to divorce Huldah Manning and change her name to Huldah Johnson.
48. An act for the relief of Sarah Ross.
49. An act to incorporate the town of Milton.
50. An act to incorporate the West Florida Institute.
51. An act to amend an act authorizing Wm. S. Walker to establish a ferry across the Wakulla river.
52. An act to admit M. D. Papy to practice law in the several courts in this Territory.
53. An act to alter and change the name of Sarah Ann Vandergrift.
54. An act to admit Cameron Anderson to practice law in this Territory.
55. An act to define and change the Western boundary line of Madison county.
56. An act to change the time of holding the Superior Courts in Walton county.

57. An act to amend an act to organize Wakulla County.
58. An act to incorporate the town of New Port.
59. An act to incorporate the Presbyterian Church of Iamonia.
60. An act to change and alter the name of Susan E. Johnson, to that of Susan J. Edmonds.
61. An act to amend an act regulating the rate of interest, approved 12th February, 1833.
62. An act to provide for the improvements made on public lands.
63. An act to organize a county to be called St. Lucie county.
64. An act to organize the Monroe county School.
65. An act to establish a board of Commissioners of Pilotage for the port of Key West and other harbors in Monroe county.
66. An act to incorporate the town of Columbus.
67. An act to legalize certain acts of the Clerk of Columbia county.
68. An act to provide for the partition and division of Estates.
69. An act to establish a ferry across the St. John's river at or near Constancia
70. An act to repeal an act to change the time of holding the election for representatives for Calhoun county.
71. An act to authorize William Cason to establish a ferry across Santa Fee river, at fort White.
72. An act to authorize John L. Taylor and V. J. Strickland, to establish a toll bridge across the Ocilla river at the Indian trail.
73. An act to incorporate the Wakulla Rangers.
74. An act to legalize the acts of the acting Clerk of Dade county.
75. An act to alter and change the name of Hernando county.
76. An act in relation to administering oaths.
77. An act to amend the Execution laws.
78. An act to incorporate the Tallahassee Law Library Association.
79. An act to divorce Francis Dummett.
80. An act to provide for the compensation of officers of the Legislative Council for the session of 1844, and for other purposes.
81. An act to establish the county site of Dade county, and for other purposes.
82. An act to amend an act to authorize Edwin G. Booth, to establish a ferry across the Apalachicola River.
83. An act to authorize Willis Watson to establish a ferry across the Chipola River in Jackson county.
84. An act to divorce Caroline G. Jones.

- 85. An act to prevent the circulation of change bills.
- 86. An act to enable certain persons to dispose of real estate at private sale.
- 87. An act to change the time of holding the County Court of Walton county.
- 88. An act to incorporate the inhabitants of the different townships of this Territory for the institution and establishment of common schools.
- 89. An act to authorize Platt and others to build a bridge across Suwannee River.
- 90. An act to exempt cotton sold at auction from auction tax.
- 91. An act to authorize Elijah Andrews to establish a ferry across the Ocklocknee River, at or near Harvey's mills.

A List of Resolutions,

Adopted by the Legislative Council at its Twenty-second Session.

- 1. Preamble and Resolutions asking an appropriation of Congress to remove obstructions in the Rivers Choctowhatchie and Holmes.
- 2. Preamble and Resolutions asking an appropriation of Congress for deepening the channel of the Chassehowiska river.
- 3. Preamble and Resolutions asking an appropriation of Congress, for the erection of a light house at the entrance of Tampa Bay.
- 4. Preamble and Resolutions asking an appropriation of Congress for the relief of Military companies therein named.
- 5. Preamble and Resolutions, asking an appropriation of Congress for removing obstructions in Chrystal River.
- 6. Preamble and Resolutions, asking an appropriation of Congress for opening a road, and building bridges from Webbville to Milton.
- 7. Preamble and Resolutions, asking an appropriation of Congress, for a Marine Hospital at New Port Wakulla County.
- 8. Preamble and Resolutions, asking an appropriation of Congress for a road from St. Augustine to Indian river.
- 9. Preamble and Resolutions asking an appropriation of Congress, for a road from Newnansville to Tampa Bay,
- 10. Preamble and Resolutions, asking an appropriation of Congress for the free school of the city of Pensacola.
- 11. Preamble and Resolutions, asking an appropriation of Congress of a quarter section of land for the county of Calhoun, for county purposes.
- 12. Preamble and Resolutions, asking an appropriation of Congress for the payment of the Iola Volunteers,

13. Preamble and Resolutions, asking an appropriation of Congress for the payment of losses of property suffered from Indian depredations.

14. Preamble and Resolutions, asking an appropriation of Congress for the erection of a Marine Hospital in Jacksonville.

15. Preamble and Resolutions, asking an appropriation of Congress, for the erection of Light Houses at Mosquito Inlet, Cape Canaveral, and Key Biscayne.

16. Preamble and Resolutions, asking an appropriation of \$10,000, of Congress for the removal of obstructions in the Chipola river.

17. Preamble and Resolutions, asking and appropriation of \$10,000 of Congress for the removal of obstructions in the Oclawaha river.

18. Preamble and Resolutions, asking an appropriation of \$10,000 of Congress for opening a road from St. John's river opposite Pilatki, to the city of St. Augustine,

19. Preamble and Resolutions, asking an appropriation of Congress of a donation to the Free School of St. Augustine of public lots in said city.

20. Preamble and Resolutions asking an appropriation of \$10,000 of Congress, for the repairs of the road leading from Tampa Bay to Pilatka.

21. Preamble and Resolutions asking an appropriation of \$2,500, of Congress for removing obstructions to the navigation of Gum Swamp.

22. Preamble and Resolutions, asking an appropriation of \$5,000 of Congress, for repairing the roads, bridges, &c., in Nassau county.

23. Preamble and Resolutions, asking an appropriation of Congress, for opening an inland communication from St. Augustine to Cape Florida.

24. Preamble and Resolutions, asking the establishment of a Mail Route, from Alligator to Centrevillage, Ga

25. Preamble and Resolutions, asking the establishment of a Mail Route, from Pilatka to Tampa Bay, via. Mecanopy, &c.

26. Preamble and Resolutions, asking the establishment of a mail route from Alligator to Black Creek.

27. Preamble and Resolutions asking the establishment of a mail route the old Alligator route instead of the present route.

28. Preamble and Resolutions asking the establishment of a mail route from Apalachicola via St. Joseph to Marianna.

29. Preamble and Resolutions asking the establishment of a mail route from Cedar Keys to Columbus, Florida.

30. Preamble and Resolutions the education of the poor children of Dade county, for a certain period.

31. Preamble and Resolutions appointing commissioners to lay off the county site in Nassau county.

32. Preamble and Resolutions granting Temple Pent mileage and pay, the same as is allowed to members of the Legislative Council.

33. Resolutions granting N. Bryant mileage and pay the same as is allowed to members of the Legislative Council.

34. Preamble and Resolutions relative to the land received by Government for military purposes at Tampa Bay, Hillsborough county.

35. Preamble and Resolutions relative to the compensation of the officers of the two Houses.

36. Preamble and Resolutions relative to, and for the relief of John A. Edwards.

37. Preamble and Resolutions asking Congress for an additional Judicial District in East Florida.

38. Preamble and Resolutions authorizing the widow of the Hon. Richard Burney to receive the certificate from the Secretary of Florida, for the pay of her husband.

39. Preamble and Resolutions asking the Delegate to use his best exertions to procure the passage of a law establishing St. Joseph into a Surveyor's District.

40. Preamble and Resolutions requiring the Secretary of Florida to distribute the census returns.

41. Resolution relative to a chamber of commerce at Key West.

42. Preamble and Resolutions, asking of Congress an appropriation for clearing out the obstructions in the Suwannee River, &c.

43. Preamble and Resolutions relative to the public lands.

44. Preamble and Resolutions relating to the Seminary lands.

45. Resolutions requesting our Delegate in Congress to procure certain benefits and appropriations for Dade county.

46. Preamble and Resolutions asking a reappropriation to repair the road leading from Jacksonville, East Florida, to the Mineral Springs.

47. Preamble and Resolution relating to the Militia claims of Col. Dempsey Pittman.

48. Resolutions relative to compensation of the Chaplains of the Senate and House of Representatives

49. Preamble and Resolutions requesting an appropriation to repair the bridges on the road from St. Augustine to New Smyrna, &c

50. Resolutions relative to the report of the Commissioners on Indian depredations in West Florida.

51. Memorial to Congress relative to losses sustained by the people of Florida from Indian depredations.

52. Preamble and Resolutions relative to Indian depredations in Washington county, West Florida.

53. Preamble and Resolutions relative to the division of Florida into two Territories.

54. Preamble and Resolutions relative to the establishment of a mail route from Jacksonville, via Tallahassee and St. Marks to New Orleans.

55. Report and Resolutions for the relief of R. C. Allen's representative.

LAWS

OF THE TERRITORY OF FLORIDA,

Passed by the Legislative Council at its Twenty-Second Session—1844.

An ACT to admit Cameron Anderson to practice law in the several Courts in this Territory.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Cameron Anderson, notwithstanding his minority, may be admitted to practice as an Attorney and Counsellor at law, in this Territory : *Provided,* That the said Cameron Anderson shall first be examined and declared qualified therefor, by one of the Judges of the Superior Courts of this Territory, or such persons as he may appoint. Admitted to practice.
Proviso.
[Approved, 5th February, 1844.]

An ACT more particularly to define and change the Western boundary line of Madison county.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Gum Swamp shall be the Western boundary line of Madison county, commencing at the Georgia line, thence down said swamp to the big Ocilla, thence down said stream to the Gulph of Mexico, the present boundary line of said county. Western Boundary.

Sec. 2. *Be it further enacted,* That so much of an act passed at the last session of the Legislative Council, and approved 22nd day of February, 1843, as conflicts with the provisions of this act, be, and the same is hereby repealed. Repealing clause.

[Approved, 5th February, 1844.]

An ACT to admit Mariano D. Papy to practice law in the several Courts in this Territory

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Mariano D. Papy, notwithstanding his minority, may be admitted to practice as an Attorney and Counsellor at law, in the several Courts of law and

Equity, in this Territory : *Provided*, That the said Mariano D. Papy, shall first be examined and declared qualified therefor, by one of the Judges of the Superior Courts of this Territory, or such persons as he may appoint.

[*Approved, 5th February, 1844.*]

An ACT to change the time of holding the Superior Courts of Walton County.

Spring and
Fall terms.

[*SEC. 1.*] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Spring Term of the Superior Court in Walton county, shall commence on the second Monday in March, in each and every year ; and the Fall Term shall commence on the fourth Monday in October, in each and every year.

Sec. 2. *Be it further enacted*, That this law shall have full force and virtue from and after the tenth day of May next.

Sec. 3. *Be it further enacted*, That all laws and parts of laws conflicting with the true intent and meaning of this law, be, and the same are hereby repealed.

[*Approved, 5th February, 1844.*]

An ACT to alter and change the name of Sarah Ann Vandergrift.

[*SEC. 1.*] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the name of Sarah Ann Vandergrift, shall be, and is hereby declared to be altered, and changed ; and that henceforward the said Sarah Ann Vandergrift, shall be known and called by the name of Theodora Caroline Trezvant.

Sec. 2. *Be it further enacted*, That this act shall take effect, and be in force from and after its passage, and approval.

[*Approved 5th February, 1844.*]

An ACT to amend an act entitled an act to organize Wakulla county.

County site.

[*SEC. 1.*] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That from and after the passage of this act, that New Port, on the St. Mark's river, in the county of Wakulla, shall be, and is hereby declared to be the county site of Wakulla county ; and that all suits that are, or may be pending, in the said county of Wakulla, shall be transferred to, and stand upon the docket, in the Clerk's office at said town of New Port.

Sec. 2. *Be it further enacted*, That the commissioners elect-

ed under the law organizing said county, be, and they are hereby authorized, to contract for the building of a court house, and other buildings for said county. Court House.

Sec. 3. *Be it further enacted*, That so much of the act approved 11th March, 1843, entitled "An act to organize Wakulla county," that conflicts with this amendment, be, and the same is hereby repealed. Repealing clause.

[Approved 15th February, 1844.]

An ACT to incorporate the town of New Port.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That all the free white male inhabitants, over the age of twenty-one years, comprehended within the section twenty-five, township three, range one, on the lands known as Forbes' purchase, in the county of Wakulla, and District of Middle Florida, and their successors be, and remain, a body corporate by the name and style of the town of Newport ; and by their corporate name may sue and be sued ; implead and be impleaded ; and do all other acts as natural persons ; and may purchase and hold real, personal, and mixed property, and dispose of the same for the benefit of said city. Who shall be included.

Sec. 2. *Be it further enacted*, That the government of the said town shall be vested in a City Council, composed of an Intendant, and five Councilmen, each of whom shall have the qualifications of a voter, and shall each in addition, be the owner of a lot or lots in said town. City Council.

Sec. 3. *Be it further enacted*, That every white male inhabitant, who is a citizen of the United States, of the age of twenty one years and upwards, who shall have resided three months within the limits above described, and shall have paid all taxes and dues assessed on him by the said corporation, shall be entitled to vote for Intendant and Councilmen, for the said Corporation. Who shall be entitled to vote.

Sec. 4. *Be it further enacted*, That the said Town Council, shall have full power and authority to prevent and remove nuisances ; to license and regulate retailers of goods and liquors, and taverns ; to restrain and prohibit all sorts of gaming ; to license and regulate all kinds of public amusements ; regulate markets ; to provide and regulate burial grounds for the use of said town ; to sink wells ; to erect and repair pumps in the streets and public squares ; to erect and repair market houses ; to establish and regulate patrols ; to regulate the storing of gunpowder ; to tax and license hawkers, pedlars, and itinerant merchants ; to restrain and prohibit tippling houses ; to establish public schools, and provide for the superintendence of the same ; to restrain and punish vagabonds and disorderly persons, and the disorderly conduct of negroes and Powers of town council.

persons of color ; and generally to provide for the entire police and good government of said town : and shall also have power and authority to drain swamps by canal or otherwise, and remove such obstructions as may be considered prejudicial to the said town within the same and without, to the extent of one mile in any direction ; to cut out, regulate, and keep the streets and avenues of the town in repair ; to make and erect all bridges and roads, leading to or from said city, for the distance of three miles—and for that purpose may cross any creeks or rivers : *Provided*, The navigation of the same be not obstructed ; to regulate the anchoring and mooring of vessels, and establish quarantine regulations.

PROVISO.

Sec. 5. *Be it further enacted*, That the said Town Council shall have power to levy taxes : *Provided*, The tax on real estate shall not exceed one per cent on the assessed value, and to provide for the collection thereof, and shall have power to make and pass all such ordinances, and impose such fines and penalties for infringements thereof, or non-compliance therewith, as to the said Council shall seem necessary to give effect and operation to the powers hereby given and imposed upon the said corporation. Any law of this Territory to the contrary notwithstanding : *Provided*, That no capitation tax be levied on persons not entitled to vote for Intendant and Councilmen, and : *Provided*, said ordinances and rules be signed by the Intendant and attested by the Clerk, and be posted up or made public by publishing in a paper, for at least ten days.

May levy taxes.

PROVISO.

May compel the attendance of members.

Sec. 6. *Be it further enacted*, That the said Council shall have power to compel the attendance of its members, and to judge of the election returns and qualification of the Intendant and its own members ; to elect such officers as the said City Council may deem necessary to give effects to the power and duties of said Council, and to determine their salaries, and the same to dismiss at pleasure ; and two thirds of said town Council may expel a member for disorderly behavior, or misconduct in office.

Sec. 7. *Be it further enacted*, That it shall be the duty of said town Council to cause to be kept regular records of their proceedings, and their ordinances, rules and regulations, and shall promulgate their ordinances without unnecessary delay, by posting the same in three public places in said city, or publishing in a newspaper in said town, for at least ten days. They shall hold their meetings in public, at such time and places as to the said Council may seem fit, and the Intendant shall be President of the Board ; and in the absence or disability of the Intendant, a majority of the Council may, on any occasion, appoint from their number an Intendant, (who shall have power pro tempore, to do the duties of Intendant,) *Provided*, however, That a majority of the town Council then present, may sit with closed doors, whenever they may deem the

To keep records

public interest requires it; and three of the said town Council shall form a quorum, for the transaction of business.

Sec. 8. *Be it further enacted*, That it shall be the duty of the Intendant to see that the ordinances of the Council are duly executed; to call meetings of the Council, when, in his opinion, the public good requires it; and shall lay before the Council, from time to time, in writing, such propositions as he may think advisable for the public good; and the said Council shall have power to adjourn from time to time. Duties of the Intendant.

Sec. 9. *Be it further enacted*, That the Intendant shall, within five days after his election, take oath or affirm before any Judge or Justice of the Peace in this Territory—That he will to the utmost of his power, support, advance, and defend the interest, peace, and good order of the Town of New Port; and diligently discharge the duties of Intendant, during his continuance in office, and support the Constitution of the United States; and he shall within the aforesaid five days, convene the Councilmen elect, and administer to each an oath or affirmation similar to that taken by himself. Shall take an oath.

Sec. 10. *Be it further enacted*, That the election for Intendant and Councilmen, shall be holden on the first Monday in April, in each and every year; and the said election shall be held by two discreet persons appointed by the Council at least two weeks before the day of election; and the said inspectors shall be first sworn, and neither of them shall be eligible to the office of Intendant or Councilmen; the vote shall be by ballot; the polls shall open at 9 o'clock in the morning, and close at 2 o'clock same day: and the person having the highest number of votes for Intendant, shall be declared; and the persons having the greatest number of votes for councilmen, shall be declared, and notice of their election given each. Election when held.

Sec. 11. *Be it further enacted*, That if by refusal, absence, or other casualty, the Intendant elect shall be prevented from performing the organizing duties of this act required, a new election shall be forthwith held by the said Inspectors, and ten days notice of the same shall be given, and said Intendant, and City Council, shall have power to fill vacancies in their own body, by causing new elections to be held by the qualified voters. The Intendant and city Council shall, in all cases continue their respective functions, until their successors be elected and duly qualified into office. A new election when held.

Sec. 12. *Be it further enacted*, That William McNaught, Mathias Swain, and John Bowen, or any two of them, be inspectors of an election, to be held in the town of New Port, on the first Monday in April next. Inspectors.

Sec. 13. *Be it further enacted*, That the said town of New Port shall be, and is hereby located on that part of Township Three, Range One, and section Twenty-five, lying on the West bank of the St. Mark's river; and that the corporation shall Location.

not have or extend any jurisdiction over the inhabitants residing on the East bank of said river.

Sec. 14. *Be it further enacted*, That this act shall be in force from and after its passage.

[*Approved 15th February, 1844.*]

An ACT to authorize Elijah Andrews, to establish a Ferry across the Ocklocknee River at, or near Harvey's Mills.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Elijah Andrews be, and he is hereby authorized, to establish and keep a public Ferry, at, or near Harvey's Mills, on the Ocklocknee River; and he be allowed to charge such rates of toll as may be, from time to time, established by the county court of Leon county.

Ferry, where kept.

Sec. 2. *Be it further enacted*, That all rights and privileges, profits and emoluments of said ferry, be, and they are hereby vested, in the said Elijah Andrews, his heirs, executors, administrators and assigns, for the term of six years, provided, he, the said Andrews, shall keep a flat, or boat of sufficient size to carry over a loaded waggon and team, and shall comply with the rules and regulations that may be established by the county court of Leon county; or that may be hereafter provided by law.

Limitation of Charter.

Sec. 3. *Be it further enacted*, That it shall be unlawful for any person to establish or keep a ferry, within five miles, up or down said River, unless the same be toll free, and for his her or their own individual use.

Sec. 4. *Be it further enacted*, That this Act, and the privileges herein granted shall be subject to amendment, by the Legislature of the Territory, at any time when it shall be deemed necessary.

[*Approved, 23d February, 1843.*]

An ACT to alter and amend an act approved the 4th March, 1842, authorizing William H. Walker to establish a Ferry across the Wakulla River.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That William H. Walker, be and he is hereby authorized to remove his ferry, to a place on the Wakulla river, known and called Kundy's old fields, with all the rights and privileges contained in the said Act, *Provided*, That the same shall be subject to repeal or modification by any future Legislature of the Territory or State of Florida.

[*Approved, 23d February, 1844.*]

An ACT to amend an Act fixing the time of holding the Superior Courts of the Apalachicola District.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Superior Courts of the Apalachicola District, shall be held as follows, in each and every year. The Spring Term in the County of Washington on the fourth Monday in March; in the county of Calhoun on the fourth Monday in April; in the county of Franklin on the first Monday in May; and in the county of Jackson, on the third Monday in May. The Fall Term, in the County of Washington, on the second Monday in November, in the county of Jackson, on the third Monday in November; in the county of Franklin on the first Monday in December, and in the county of Calhoun, on the third Monday in December.

Sec. 3. *Be it further enacted*, That all previous laws on the this subject be and they are hereby repealed.

[Approved, 23d February, 1844:]

An ACT to incorporate the Trustees of the Presbyterian Church of Iamonia.

[SEC. 1.] *Be it enacted by the Governor, and Legislative Council of the Territory of Florida*, That the Ruling Elders and Deacons now elected, or who shall hereafter be elected in the Presbyterian Church of Iamonia, their survivors and successors in office, are hereby declared to be a body Corporate under the name and style of the *Perpetual Trustees of the Presbyterian Church of Iamonia*, and in their Corporate name and capacity, shall be liable to take and hold real and personal estate, provided the same shall at no time exceed the sum of fifty thousand dollars in real estate, and to dispose of the same for the use of the Church and shall be capable of suing, and being sued at law, and in equity, under the above name and style; and the said Corporation, shall have power to make rules and by-laws for its own government in conformity with the Constitution of the Presbyterian Church in the United States.

Sec 2. *Be it further enacted*, That this charter shall be subject to be repealed by any future Legislature of the Territory or State of Florida.

[Approved 23d February, 1844.]

An ACT to incorporate the West Florida Collegiate Institute.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Henry Hyer, Francisco Moreno, John Campbell, George E. Chase, Henry Ahreus,

Walker Anderson and Benjamin D. Wright, be and they are hereby made a body politic and corporate for the education of youth, by the name and style of the West Florida Collegiate Institute, and as such they shall have power to sue and be sued, implead and be impleaded, contract and be contracted with, to receive donations and to do all other acts and things necessary to the purposes of their institution, with all the powers, rights and capacities usually belonging to corporations of a like nature. They shall also have power, under such regulations, as they may, by their bylaws prescribe, to fill any vacancies which may occur in their own body.

Sec. 2. *Be it further enacted*, That it shall at all times be competent for the Legislature of the Territory or State of Florida to alter, amend or repeal this act.

[*Approved, 23d February 1844.*]

An ACT to incorporate the Town of Milton in Santa Rosa County.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That from and after the passage of this act, the free white male inhabitants residing within the limits herein described, to wit:

Commencing at the mouth of Pond Creek; from thence, up Blackwater River, to Quin's Land Line, from thence, along said Land Line, one half mile due west; from thence, due south, to Pond creek; from thence, down said Pond creek, to its mouth; said Boundary is, on section three, Township one, Range twenty eight, North and West, comprehending the site of the Town of Milton, in the County of Santa Rosa, in this Territory, be, and he same are hereby declared, a body politic and corporate, by the name and style, of the Town of Milton; with all the rights, privileges, powers, and authority, incident to, and appertaining to, a body corporate and politic, and

Limits of the corporation. }
Privileges. } by that name, may sue and be sued, implead and be impleaded; hold, possess, and enjoy, real estate, personal and mixed property, and transfer the same, and so dispose of, and manage the same, and the funds of said Town, as shall be most beneficial to the interest thereof.

Sec. 2. *Be it further enacted*, That Richard Vaughn, William Mack, William H. Johnson, Charles A. Tweed, William W. Harrison, and Thomas J. Gardner, be, and they are hereby appointed, Town Wardens, to be and continue in office, until the first Monday in January next; at which time, there shall be an election held, at the court-house in said town for five Wardens; and on the first Monday in January in each succeeding year.

Town wardens. }

Sec. 3. *Be it further enacted*, That it shall be the duty of said Wardens to meet, once in every month, in the corpor-

ate limits of said Town, or as often as in their opinion the public good of said Town may require; and at their first meeting shall appoint one of their body Intendant, who shall hold his office, until the first annual election thereafter, provided however, that the said Intendant and Wardens, shall continue to exercise their respective functions until their successors shall be appointed and sworn in. To meet, &c.

Sec. 4. *Be it further enacted*, That the said Town Wardens, may adopt such by laws, rules and regulations, for their own government, and for the government of said corporation, as may seem to them most compatible to the interest thereof, and they shall have full power and authority, to prevent and abate nuisances, and to license the retailers of spiritous liquors, keepers of taverns and public exhibitions; to suppress riots and disorderly assemblies, and to provide for the punishment of all persons, guilty of breaches of the peace, within the limits of said corporation. May adopt laws.

Sec. 5. *Be it further enacted*, That the said Town wardens shall have authority to define the objects of taxation, and establish the rates thereof, and provide for the collection of the same. Taxation.

Sec. 6. *Be it further enacted*, That the said Town Wardens shall have power to fill all vacancies, that may occur in their body, from death, resignation, or otherwise, to continue until the next annual election thereafter. Vacancies.

Sec. 7. *Be it further enacted*, That the Intendant and two of said Wardens, or in the absence of said Intendant, three Wardens shall constitute a quorum to transact business, and they may compel the attendance of absent members, and settle their own rules of proceedings. Quorum.

Sec. 8. *Be it further enacted*, That it shall be the duty of the Intendant, to exercise a general supervision, over the interest of the Town; to see that the ordinances are enforced; to issue all process, to convene the said town Wardens, at such times as he may deem expedient, to preside at all the meetings thereof, and shall be a Justice of the peace, ex-officio, within the limits of said corporation. Duties.

Sec. 9. *Be it further enacted*, That the town wardens shall have power to appoint a town constable, whose duty it shall be to serve all process, and to perform all such other duties as may be assigned him, to suppress riots, and to this end, he is hereby vested with all the authority of constables, in the magistrates' districts in this Territory: *Provided*, his fees be such, as are provided by law, for similar services. Constable.

Sec. 10. *Be it further enacted*, That the right of appeal to the Superior Court shall be granted to any person or persons, who may feel aggrieved, by any decision, under any of the ordinances of said wardens: *Provided*, he shall comply with the requisitions required of persons taking appeal to Superior Courts, in ordinary cases. Appeals. [Approved 23d February, 1844.]

An ACT to establish a Ferry across the St. John's River, at or near Constancia.

Ferry, where
kept.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Joseph Finegan be, and he is hereby authorized, to establish and keep a public ferry at, or near Constancia, on the St. John's river; and that he be allowed to charge such rates of toll as may be from time to time established by the County Court of Duval county.

Limitation.

Sec. 2. *Be it further enacted*, That all rights and privileges, profits and emoluments, of said ferry be, and they are hereby vested in the said Joseph Finegan, his heirs, executors, administrators, and assigns, for the term of six years: *Provided*, he shall keep a flat or boat of sufficient size to carry over a loaded waggon and team, and shall comply with the rules and regulations that may be established by the county Court of Duval county, or that may hereafter be provided by law.

Sec. 3. *Be it further enacted*, That it shall be unlawful for any person to establish or keep a ferry within five miles up or down the said river, unless the same be toll free, and for his, her, or their own individual use.

Sec. 4. *Be it further enacted*, That this act and the privileges herein granted, shall be subject to amendment by the Legislature of the Territory, at any time when it shall be deemed necessary.

[Approved 23d February, 1844.]

An ACT to authorize William Cason to establish a ferry across Santa Fee River, at Fort White.

Ferry where
kept.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That William Cason be, and he is hereby authorized to establish, and charged with the duty of keeping a ferry on the Santa Fee river, at a place known as Fort White, for, and during the term of five years, from and after the passage of this act.

May receive
Ferriage.

Sec. 2. *Be it further enacted*, That the said William Cason, his heirs, and assigns, shall at all times keep a good and sufficient flat, or ferry boat to cross a loaded waggon and team; and he, or they shall receive such rates of ferriage as may be established from time to time by the county Court of Columbia county, and shall be subject to the order of said court.

Sec. 3. *Be it further enacted*. That it shall not be lawful for any person or persons to establish or keep a ferry within five miles of said ferry, either above or below, on said river, unless it be toll free, or for his, her, or their own use.

Sec. 4. *Be it further enacted*. That this act shall, at any time, be subject to the amendment, modification, or repeal of any future Legislature of the State or Territory of Florida.

[Approved 23d February, 1844.]

An ACT to repeal an act entitled an act to change the time of holding the election for Representative of the Legislative Council for the county of Calhoun and for other purposes.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the act approved 9th of March, 1843, entitled an act to change the time of holding the election for Representative of the Legislative Council for the county of Calhoun, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That the election for Representatives for said county of Calhoun shall hereafter be held on the same day as in the other counties in this Territory to wit : On the first Monday in November in each and every year.

Sec. 3. *Be it further enacted,* That this act sha'l be in force from and after its passage.

[Approved 23d February, 1844.]

An ACT to divorce Hu'dah Manning from her husband May Manning, and to change the name of the said Huldah Manning to that of Huldah Johnson.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the marriage contract heretofore subsisting between the said May Manning, and Huldah Manning, be, and the same is hereby dissolved and annulled, and the said parties are hereby absolutely divorced from the bonds of matrimony, as tully, absolutely, and entirely, as if they, the said May and Huldah had never been married.

Sec. 2. *Be it further enacted,* That the name of the said Huldah Manning, be, and the same is hereby changed to that of Huldah Johnson, and that she be called and known by that name.

Sec. 3. *Be it further enacted,* That this act shall be in force from and after its passage.

[Approved 23d February, 1844.]

An ACT to authorize John L. Taylor and V. J. Strickland, to establish a toll bridge across the Ocilla River, at the Indian trail.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That John L. Taylor and V. J. Strickland, be, and they are hereby authorized to erect a toll bridge across the Ocilla river, at the Indian Trail in the county of Jefferson. Where erected.

Sec. 2. *Be it further enacted,* That the said John L. Taylor and V. J. Strickland, their heirs and assigns, shall at all times keep said bridge in good repair, so that it shall be safe in cross-
ing with loaded wagons and teams; and that the rates of toll To be kept in repair.

shall be regulated by the county Court of Jefferson county, from time to time: *Provided, nevertheless*, That the rights accruing under this charter shall be forfeited, unless said bridge shall be kept in such good order and substantial repair.

Term. Sec. 3. *Be it further enacted*, That the rights and privileges accruing to the said John L. Taylor and V. J. Strickland, their heirs and assigns, shall continue during the term of twenty years.

Failure to erect. Sec. 4. *Be it further enacted*, That if the said John L. Taylor and V. J. Strickland shall fail to erect the said bridge within two years from and after the passage of this act, then all the rights and privileges granted by this act shall be forfeited.

Sec. 5. *Be it further enacted*, That this charter shall be subject to be repealed or amended, by any future Legislature of the Territory or State of Florida.

[Approved 23d February, 1844.]

An ACT to authorize Lewis B. Davis to establish a ferry across the Suwannee River, at a place known as Booth's Spring.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Lewis B. Davis, be, and he is hereby authorized to establish a ferry across the Suwannee river, at a place known as Booth's Spring, and charged with keeping the same for and during the term of five years, from and after the passage of this act.

Rate of Ferry. Sec. 2. *Be it further enacted*, That the said Lewis B. Davis, his heirs and assigns, shall at all times, keep a good and sufficient flat ferri boat to cross a loaded wagon and team; and he, or they shall receive such rates of ferriage, as may be established from time to time, by the county Court of Columbia county, and shall be subject to the order of said court.

Sec. 3. *Be it further enacted*, That it shall not be lawful for any person or persons, to establish or keep a ferry within five miles of said ferry, either above or below, on said river, unless it be for his, her, or their own use, and not for the purpose of taking toll.

Sec. 4. *Be it further enacted*, That this act shall at any time be subject to the amendment, modification, or repeal, of any future Legislature of the State or Territory of Florida.

[Approved 23d February, 1844.]

An ACT for the relief of Sarah Ross.

WHEREAS, it has been shown to this Legislative Council, that Seaborn J. Ross, of Hamilton county, in the Territory of Florida, has, for several years past, abandoned his wife Sarah

Ross, and has wholly neglected, and still refuses to provide means of support for her and her two children, and that said Ross has no permanent residence or place of abode, but, to the contrary, is roaming about with no visible means of support for himself, but has admitted himself to be a gambler. And whereas, it is further represented, that the said Sarah Ross is unable to defray the expense of a suit in Chancery, to obtain a divorce : And whereas, the said Sarah Ross has petitioned this Legislative Council, to be divorced from her aforesaid husband, and she be made the guardian of her children. Therefore, for the relief of the aforesaid Sarah Ross,

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That the marriage contract subsisting between Seaborn J. Ross and Sarah Ross, be, and the same is hereby dissolved and annulled, and the said parties are hereby absolutely divorced from the bonds of matrimony, as fully, absolutely, and entirely, as if they, the said Seaborn and Sarah had never been married. Marriage Dissolved.

Sec. 2. *Be it further enacted,* That the county court of Columbia county be, and it is hereby authorized and required, to take charge of the children of Sarah Ross, as fully and completely, as though they were orphans.

[Approved 23d February, 1844.]

An ACT to change and alter the name of Susan E. Johnson, to that
Susan J. Edmonds.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That from and after the passage of this act, the name of Susan E. Johnson, of the county of Gadsden, be changed and altered to the name of Susan J. Edmonds ; and by that name she shall hereafter be known and called.

[Approved 23d February, 1844.]

An ACT to establish and regulate Pilotage on the waters, and in the harbor of Mosquito.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That from and after the passage of this act, the County Court for county purposes of Mosquito county, be, and hereby is empowered, to appoint one or more pilots for the waters and harbor of Mosquito.

Sec. 2. *Be it further enacted,* That the County Court for county purposes be, and hereby is empowered, to establish the rates of Pilotage on said waters, and in said harbor, and prescribe rules to govern pilots, and the collection of pilotage.

Sec. 3. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed.
 [Approved 28th February, 1844.]

An ACT to change the time of holding the County Court of Santa Rosa County.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Spring Term of the County Court of Santa Rosa county, shall hereafter be held on the second Monday in June, in each and every year; and the Fall term of said Court shall hereafter be held on the second Monday in December in each and every year.

Sec. 2. *Be it further enacted*, That this act shall take effect from and after its passage; and that all acts, and parts of acts, militating against the true intent and meaning of this act, be, and the same is hereby repealed.

[Approved 28th February, 1844.]

An ACT to authorize Joseph Forsyth to build a bridge across Pond Creek in Santa Rosa County.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*. That Joseph Forsyth of Santa Rosa county, be, and he is hereby authorized to build a bridge across Pond Creek in said county, at the point where the road from Milton to Bagdad crosses said creek: *Provided*, The said Forsyth shall keep the said bridge in good order, for the passage of carriages, and shall construct a good and sufficient draw in said bridge of not less than thirty feet in width for the passage of vessels.

Bridge, where
built.

Limitation.

Sec. 2. *Be it further enacted*, That the said Forsyth shall have the enjoyment of the said right for twenty years: *Provided*, That this act shall be subject to amendment, alteration or repeal by any future Legislature of Florida.

[Approved 28th February, 1844.]

An ACT to incorporate the Protestant Episcopal Church at Monticello.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That William D. Mosely, Joseph R. Rowles, and James R. Tucker, and such others as were elected Church Wardens and Vestrymen of the Episcopal congregation at Monticello, and their successors in office, shall be, and they are hereby declared to be, a body corporate,

Trustees.

by the name and style of the Trustees of Christ Church, at Monticello ; and that the said trustees, and their successors in office shall be invested with all manner of property, real, personal and mixed, including all monies due, or to become due, donations, gifts, grants, hereditaments, privileges and immunities whatsoever, which may now, or at any time hereafter belong to the said Church ; and also, all monies that have been or may hereafter be subscribed, given, granted, or conveyed for building a church for said congregation at Monticello, to have and to hold the same for the proper use, benefit, and behoof of the said Church ; and the said trustees and their successors in office, shall be, and they are hereby declared to be capable of suing, and being sued, and of using all necessary legal measures for recovering, or defending any and all property, whatsoever, which the said church may at any time hold, claim, or demand, and is herein secured, or otherwise, and also with powers to make all necessary rules and regulations for the temporal government of said church, or otherwise, as well the said monies as other property, with all rents, issues and profits of the same, or any lands, monies, or other estate belonging thereto, or any part or parcel thereof.

Powers of Trustees.

Sec. 2. *Be it further enacted*, That an election for Wardens and Vestrymen for the said church, shall be held annually, commencing on the first Monday in Easter week, or as soon thereafter as may be, and the said election shall be held and made by the Wardens and Vestrymen and Congregation of said church, or a majority of them ; and the said Wardens and Vestrymen, or a majority of them, shall have, and they are hereby invested with full power to fill all vacancies which may occur, by death, resignation, or otherwise, in their own body, until the next annual election, after the occurrence of such vacancy.

Election of Wardens.

Sec. 3. *Be it further enacted*, That the property, now owned, or hereafter to be owned by the said church as aforesaid, shall not exceed in value the sum of fifty thousand dollars.

Value of property limited.

Sec. 4. *Be it further enacted*, That this act shall be subject to be repealed or amended by any future Legislature of Florida.

[Approved 28th February, 1844.]

An ACT to legalize the acts of the acting Clerk of Dade County.

WHEREAS, since the depopulation, or abandonment of Dade county, caused by the Indians in 1840, the citizens have failed to elect a Clerk for said county, and the then Clerk has acted in said capacity, and performed all the functions of Clerk of the County Court of said County. Therefore.

[Sec. 1.] *Be it enacted by the Governor and Legislative Coun-*

Acts of the acting clerk legalized.

cil of the Territory of Florida, That all proceedings had under, and acts done by, the acting Clerk of the county Court of Dade, be, and the same are hereby legalized, and declared valid and good, as fully and completely as if the law had been complied with.
[Approved, 6th March, 1844.]

An ACT to alter and change the present boundary line of Hernando County.

Boundary.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Northern boundary line of Hernando county shall commence at the mouth of the Big Withlacoochee River, thence up said river to the junction of the Little Withlacoochee river, thence up said Little Withlacoochee to the head of the same, thence East to the Meridian line, thence along said Meridian line South to the Hillsborough river, thence down said river to Fort Fostee; thence running due West to the Gulf Mexico, thence along said Gulf to the mouth of the Withlacoochee the point of beginning, including all the land and islands, which said river lines and Gulf may enclose.
[Approved 6th March, 1844.]

An ACT to alter and change the name of Hernando County.

Name changed to Benton.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*. That from and after the passage of this act, the name of Hernando county, in this Territory, be changed, and that said county, from henceforth, be called and designated, as the county of Benton.

Documents to hold good.

Sec. 2. *Be it further enacted*, That all officers heretofore elected, or appointed for said county of Hernando, and all records, pleadings, commissions, and other documents heretofore designating said county, by the name of Hernando county, be held as appertaining to said county of Benton, the same as if the name of said county had not been changed.

[Approved 6th March 1844.]

An ACT to alter and change the name of Rebecca Stephens.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That from and after the passage of this act the name of Rebecca Stephens of Jackson county, be changed to Rebecca Davis, and by this name she shall hereafter be called and known.

[Approved 6th March, 1844.]

An ACT to Incorporate the Southern Greys.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Petronela R. Lopez, Charles Haager, Lawrence Andrew, and their successors and associates be, and they are hereby declared and constituted, a body politic and corporate, by the name and style, of the Southern Greys, and shall have power and authority, to make all such by-laws, rules, and regulations, as may be necessary, for the government of said company : *Provided,* such by laws, rules, and regulations, be not repugnant to the constitution and laws of the United States, or of this Territory, and shall be approved of, by the Colonel commanding.

Body corporate.

Sec. 2. *Be it further enacted,* That the strength of said Company shall be the same rank and file, as is now, or may hereafter be required, by the laws governing the Army of the United States ; and that non-commissioned officers shall be appointed by the Captain of said Company, who shall issue his warrant to them of their appointment.

Strength of company.

Sec. 3. *Be it further enacted,* That the officers already elected and chosen, by the said Company, shall be commissioned by the Governor, and shall continue in their respective grades to which they have been elected, during good behaviour.

Officers commissioned.

Sec. 4. *Be it further enacted,* That when any vacancy shall happen by death, resignation, or otherwise, in the officers of said company, the same shall be filled, in such manner, as shall be pointed out in the by laws of said company.

Vacancies filled

Sec. 5. *Be it further enacted,* That the said Volunteer Company, shall be attached to the first Battalion, Twelfth Regiment of Florida militia. [Approved 6th March, 1844.

Attached 1st bat. 12th regiment, F. M.

An ACT to establish the County Site of Dade County, and for other purposes.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the county site for the county of Dade, shall hereafter be at Miami, on the South side of Miami River, where it empties into Bescaino Bay ; and two terms of the County Court shall annually be held there, the one on the first Monday in April, and the other on the first Monday in October.

County site. Term of court.

Sec. 2. *Be it further enacted,* That the Judge of the Superior Court, for the Southern District, shall annually hold one term of that Court, in, and for Dade county, at its county site, on the first Monday in December, and shall appoint a Clerk of the said Court, for that county, who shall keep his office at the county site.

Duty of Judge.

Sec. 3. *Be it further enacted,* That the second section of an act entitled " An act to repeal an act entitled an act concern-

Repealing
clause.

ing jurors in the Southern Judicial District, and for other purposes," approved 25th February, 1841, and the fourth and fifth sections of an act entitled "An act to organize a county to be called Dade county," approved February 4th, 1836, be, and the same are hereby repealed.

[Approved 9th March, 1844.]

An ACT to be entitled an Act to authorize Edwin G. Booth to establish a Ferry across the Apalachicola River.

Ferry, where
kept. [SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That all the rights and privileges resting in Edwin G. Booth, by the provisions of an act entitled, "An Act to authorize Edwin G. Booth to establish a ferry across the Apalachicola River, below Ocheesa," approved 29th February, 1840, be and the same are extended for the further term of ten years.

Sec. 2. *Be it further enacted,* That this act shall be subject to be repealed or modified by any future Legislature, State or Territorial.

[Approved, 9th March, 1844.]

An ACT to authorize Willis Watson to establish a Ferry across the Chipola River, in Jackson county.

Ferry, where
kept. [SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Willis Watson be, and he is hereby authorized to establish a Ferry across the Chipola River, at point of said River, where the Federal road, from Tallahassee to Pensacola, crosses said river, and that the above named Willis Watson, his heirs, Executors, or Administrators shall keep the said Ferry, with suitable boats or flats, in good order, for the passage of carriages, and other vehicles at all times for the term of ten years, from and after the passage and approval of this act. And should the said Willis Watson, his heirs, executors, or Administrators fail to establish a ferry, and to furnish the necessary boats or flats, for the above named ferry, for the period of twelve months, from and after the passage of this act, then his right to establish a ferry at the above named place shall be void.

On failure to
furnish neces-
sary boats, &c.

Prohibition.

Sec. 2. *Be it further enacted,* That it shall be unlawful for any person or persons to establish a ferry within three miles of said ferry, except it be for his or their own use, and not for the purpose of gathering toll.

Rates of Fer-
riage.

Sec. 3. *Be it further enacted,* That the rates of ferriage, at the ferry established by virtue of this act, shall be regulated by the County Court of Jackson county.

Sec. 4. *Be it further enacted*, That this act shall be subject to repeal or modification by any future Legislature of this Territory.

[Approved, 9th March, 1844.]

An ACT to authorize William J. Hendricks to keep a Ferry at the Cowford on St. John's river.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That William J. Hendricks, be and he is hereby vested with the right to establish and keep a ferry at the Cowford on the South bank of St. John's river, opposite the Town of Jacksonville; for, and during the Term of Ten years from and after the approval of this act, for the purpose of transporting across said river all persons and property, required to be ferried across from the South to the North bank of said river. Ferry, where kept.

Sec. 2. *Be it further enacted*, That it shall be the duty of the said Hendricks at all times to keep a sufficient number of good boats, flats, and hands, to ferry over, such persons and property as may be required to be transported across said river, without delay or hindrance, under penalty of forfeiture of the privileges herein and hereby granted to him. Duty.

Sec. 3. *Be it further enacted*, That it shall be unlawful for any person to keep a ferry on the South bank of said River, within two miles, either above or below said ferry, except for private use, and not for the purpose of gathering toll. Prohibition.

Sec. 4. *Be it further enacted*, That the County Court of Duval county, shall at all times have power to fix, alter or modify, the rates of ferriage authorized to be charged and demanded at the ferry by this act established. And that said Hendricks be authorized to demand such rates of ferriage as have been heretofore, or may be hereafter established by said Court. Rates of Ferriage.

Sec. 5. *Be it further enacted*, That this act shall at all times be liable to be amended altered, modified, or repealed by any future Legislature.

[Approved 13th March, 1844.]

An ACT to authorize Maria Doggett, to keep a Ferry at Jacksonville on St. John's River.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Maria Doggett, widow of John L. Doggett deceased, shall have and enjoy the unexpired term in the Ferry at Jacksonville on and over the St. John's river, which was granted to him by an act, entitled, "An act Entitled to en-

to revive and continue in force an act establishing a ferry over St. John's River at Jacksonville," approved 2d of February 1838, and shall enjoy all the rights, and be subject to all the duties, and liabilities imposed on said Doggett by the said act referred to.

Right to keep a Ferry. *Sec. 2. Be it further enacted,* That from and after the first day of January next, after the passage of this act the said Maria Doggett, shall have the right to keep a ferry at Jacksonville, for the purpose of transporting of persons, horses, mules, cattle, carriages of every kind, and other things, to be transported from the North to the South bank of the river St. John's. And shall for that purpose, keep at all times a good and sufficient flat, and boat or boats, as may be necessary for public accommodation together with sufficient and good hands to work the said boats, so required to be worked.

Duty. *Sec. 3. Be it further enacted,* That the said Maria Doggett shall have the exclusive right to keep a ferry at Jacksonville, within the corporate limits of said Town, for, and during the term of ten years from and after the first day of January next: *Provided,* She shall so long keep said ferry in good repair: *And provided, further,* That she shall at all times without delay, ferry over all persons or property required to be set over on the South bank of the river St. John's. *And provided, moreover,* She shall not charge higher or greater rates of ferryage than are now, or may hereafter be from time to time established by the county court of Duval county, *And provided, also,* That this act shall not be construed to prevent any person or persons from keeping flats or boats for his, her or their own use, but not for gathering toll.

Rates of ferryage. *Sec. 4. Be it further enacted,* That it shall at all times be lawful for the County court of Duval County to fix alter or modify, the rates of ferryage, lawful to be charged at said ferry, but no ferryage shall be allowed, on cattle that may be swam across the river at Jacksonville, and only a reasonable compensation for the use of a swimming pen, when actually erected.

Sec. 5. Be it further enacted, That this Act shall be subject, to be altered, modified or repealed by any future legislature of Florida.

[Approved, 13th March, 1844.]

An ACT to organize an Independent Company of Artillery to be called "The Florida Artillery Company."

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the Company of Artillery known by the name of the "Florida Artillery Company," be

and the same are hereby constituted an Independant Volunteer, Company.

Sec. 2. *Be it further enacted*, That the said Company shall be subject to the same rules and regulations as far as may be applicable of an act passed 3d of January 1836, entitled "An Act to organize the Tallahassee Guards."

Subject.

Sec. 3. *Be it further enacted*, That John B. Decorce, Captain ; Gerard Vengerhoits, Orderly Sergeant ; Sebastian Sanguinette, Sergeant ; Louis Hoc, Corporal ; Francis Winker, Corporal, officers heretofore elected by said Company, be continued in command and if any of said Officers have not been commissioned, that the Governor of Florida be requested to commission them as soon as may be convenient.

Officers.

Sec. 4. *Be it further enacted*, That said Company may adopt by-laws, rules and regulations by majority of members and consent of the Captain, and shall have power to impose fines for neglect of duty, which may be collected in any Court of Justice in the Territory. Said Rules and Regulations not to conflict with any law of Florida. or of the United States, or the Rules and Articles of the United States Army.

May adopt by laws.

[Approved 13th March, 1844.]

An ACT to provide for the Partition or Division of real Estates.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That suits or actions, for the partition or division of real estate, may be instituted by bill or petition, on the equity side of the Superior Courts of this Territory, in the county or District, in which the lands to be divided, or which are the subject matter of the suit, may lie or be situated ; and that the proceedings in such suits or actions for partition, shall be governed by the ordinary rules of proceedings, in the Courts of Chancery of this Territory, except as is herein otherwise provided.

Suits instituted.

Sec. 2. *Be it further enacted*, That such bill or petition may be filed by any one or more of several joint tenants—tenants in common, or co-parceners against their co-tenants—co-parceners or others interested in any lands to be divided, and such bill or petition, shall set forth the description of the lands or premises, of which partition is prayed, by metes and bounds, or other sufficient description, and shall state according to the best of the knowledge and belief of the petitioners, the names and places of residence of the several owners, joint tenants, tenants in common, or co-parceners, or other persons interested in said lands or real estate ; the quantity or proportionate share, held or claimed by each, and such other matters (if any,) as may be necessary to enable the Court to adjudicate fully, upon the rights and interests of the parties. But if the names,

May be filed.

residence, quantity of interest, or proportionate share of any of the owners or claimants of such lands, are unknown to the petitioners, or complainants, then it may be so stated in such bill or petition, and such suit may proceed in the same manner as though such unknown persons or defendants were named in the bill or petition and such bill or petition shall be sworn to by some one, or more, of the petitioners.

Sec. 3. *Be it further enacted*, That on filing such bill or petition, a subpoena or subpoenas to appear and answer, shall issue against all of the defendants, who reside within the district, in which the suit is instituted, which subpoena shall state that the bill is filed for a partition of lands; and in case any of the defendants shall fail to appear and answer such bill or petition, within sixty days after the return day of the subpoena, then the same may, by order of the Court, be taken as confessed against such defaulting defendant, or defendants, provided the subpoena or subpoenas shall be returned, personally served, or duly executed according to law. And, in case any of the defendants, in such bill or petition, are therein stated to be non residents of the district, in which the suit is instituted, or unknown, or their places of residence unknown then as to such defendants or parties interested in the lands in question, the Court if in session, or Judge at Chambers, shall make an order, requiring them to appear and answer such bill or petition within such time, not less than three months, nor more than nine months as the Court may deem proper, and such order or notice of the same. shall be published weekly, in one or more newspapers in the Territory of Florida, and one in the City of Washington, and one in the City of New York, as the Court may direct, not exceeding four in all, for such length of time as the Court may direct, not less, however, than two months, nor more than six months; and after the time fixed for the appearance and answer of such last named defendants. shall have elapsed, and upon due proof in writing by affidavit to the satisfaction of the Court, that the order or notice has been published according to the order of the Court the bill may be taken as confessed against all of such non-residents, or unknown defendants, as may fail to appear and answer: *Provided, however*, That personal service of a copy of such order to appear and answer, or of notice thereof in writing, sixty days before the time therein limited for the defendant to appear and answer, shall be (as to the defendant so served) deemed equivalent to publication and dispense with the necessity thereof: *And Provided, further*, That in all cases the notice or order whether published or served, shall contain a brief description of the premises mentioned in the petition, the names of the parties, or persons alledged therein, to be interested in such premises, and shall state that the object of the suit is to procure partition of the same.

Subpoenas to
issue.

Where defend-
are non-resi-
dents.

Order to be
published.

Provisos.

Sec. 4. *Be it further enacted.* That upon the bill or petition being taken as confessed, or upon the coming in of the answers of the defendants, the Court shall proceed to ascertain and adjudicate the rights and interests of the parties, either by a reference to a master, by a hearing upon the pleadings and proofs, or in such other way or manner as may be most convenient, and according to the ordinary rules and practice of the Court; and shall also decree that partition be made, if it shall appear that the parties are entitled to the same. *Provided, however,* That when the rights and interests, or proportions, of the complainants or petitioners, are clearly established to the satisfaction of the Court, or are undisputed, and also, when the rights and interests of some of the defendants, but not all of them, are ascertained or established, to the satisfaction of the Court, or are undisputed, the Court may by decree, order partition to be made, and the shares, proportions, or interests, of the complainant, or complainants, and such of the defendants as have established and satisfactorily proved their respective shares, interests or proportions, to be set off and allotted to them, leaving for future adjustment, (by further proceedings in the same cause,) the rights, shares, and interests, of the other defendants.

Court to adjudicate the right of parties.

Proviso.

Sec. 5. *Be it further enacted.* That upon a decree of partition being made, the Court shall appoint three suitable and competent persons to act as Commissioners, in making the partition decreed, who shall be selected by the Court, unless agreed upon by the parties; and who shall proceed to make partition of the premises in question, according to the order of the Court and having made such partition, shall report the same in writing to the Court without delay. Such Commissioners shall be sworn before entering upon their duties, by the Clerk of said Court, or by any Justice of the Peace in said District, faithfully and impartially to execute the trust reposed in them, and shall have power to employ a surveyor or surveyors, if necessary, for the purpose of making such partition, and shall be allowed such sum as may be deemed reasonable by the Court, for their services, not exceeding, however, three dollars per day, for every day actually employed.

Court shall appoint commissioners.

Oaths of Commissioners.

Sec. 6. *Be it further enacted,* That either party may file objections, or exceptions, to the report of the Commissioners within ten days after they shall be notified of the filing of the same; or if no notice is given them, within thirty days after the same is filed; and if no objections or exceptions are filed as aforesaid, or if the Court is satisfied upon the hearing of any such objection or exceptions, that they are not well founded, then the report shall be confirmed, and a final decree shall be entered up, which shall accordingly vest in the respective parties, the title of the several parcels or portions of the premises allotted to them respectively; and shall give to each of them the posses-

Either party may file objections.

sion and quiet title to their respective shares, as against the other parties to the suit, or those claiming through or under them: and a certified copy of said decree (being duly entered according to law) shall be recorded by the complainants, or some of the parties in interest, in the office of County Clerk of the county in which the lands lie, which shall have the same effect as if mutual releases had been executed between the parties.

Commissioners may be removed. Sec. 7. *Be it further enacted,* Such commissioners may be removed by the Court, upon good cause to be shown, and others appointed in their place; and any party in interest may except or object to their report, and such objections or exceptions shall be heard and decided by the Court, and such further order made thereon as to justice shall appertain.

Coms. may report to Court. Sec. 8. *Be it further enacted,* If the Commissioners so appointed, shall report to the Court that the lands, tenements, or hereditaments, of which partition shall have been directed as aforesaid, are so situated, that a partition thereof cannot be made without great prejudice to the owners of the same, and if the Court shall be satisfied that such report is just and correct, the Court may thereupon, by a rule to be entered on the filing of the said report, order the premises so situated to be sold at public auction, to the highest bidder, by and under the direction of the said Commissioners, and the monies arising from such sale to be paid into the court, to be divided among the respective parties interested, in proportion to their shares or interest.

Court to order sale. Sec. 9. *Be it further enacted,* For good cause to be shown, the Court may order such sale to be made upon a reasonable credit, for part or all of the purchase money, but in all cases, at least one third of the purchase money shall be paid down, unless all the the parties consent to a credit for the whole; and in all cases the purchase money not paid down, shall be secured by bond and mortgage on the premises, and such other additional security as the Court shall direct.

No conveyance to be executed until report of court. Sec. 10. *Be it further enacted,* No conveyance shall be executed in pursuance of such sale, by the said Commissioners, until the sale and the terms thereof shall have been reported to the Court, and the money arising therefrom paid into Court, nor until the sale has been approved by the Court, and a conveyance ordered in pursuance thereof.

Parties to pay cost. Sec. 11 *Be it further enacted.* That all parties in interest, whether complainant or respondent, shall, by decree of the Court, be bound to pay a share of the cost and charges, arising from the partition or sale of the land, in proportion to his, her, or their interest, and such decree shall be binding on all their goods and chattels, lands or tenements, lying in said Territory; and in case of sale, the court may order the same to be paid, or retained out of the monies arising from such sale, and due or belonging to the parties who ought to pay the same.

[Approved 14th March, 1844.]

An ACT to incorporate the town of Columbus.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That all the free white inhabitants residing within the following limits, viz : beginning directly opposite the mouth of the Withlacoochee river, on the East bank of Suwannee, and running up and down said river the half of one mile, thence Eastwardly for one mile, so as to embrace one section of land, and comprehending the present town of Columbus, and their successors be, and they are hereby declared a body politic and corporate, by the name and style of the town of Columbus, with all the rights, privileges, powers, and authority incident and appertaining to, a body corporate and politic, or natural persons, and by that name and style may sue and be sued, plead and be impleaded, hold, posses, and enjoy real estates, personal and mixed property, and transfer the same and so dispose of and manage the funds of said town, as shall be most beneficial to the interests thereof.

Limits of the
Charter.

Sec. 2. *Be it further enacted*, That the government of said town shall be vested in an Intendant and five Councilmen to be designated and known, as the town Council of Columbus, each of whom shall, at the time of his election, be a resident within the limits thereof.

Government
shall be vested,
&c.

Sec. 3. *Be it further enacted*, That the town Council shall annually, on the first Monday in January, be elected by the qualified voters of said town, and it shall be their duty, at their first meeting, to elect from among themselves an Intendant, who shall hold his office until the next annual election : *Provided, however*, That the said Intendant and Councilmen shall continue to exercise their respective duties, until their successors shall have been elected : *And provided further*, That the first election under this act shall take place on the second Monday in April next ensuing, under all the rules, regulations, and restrictions in this act prescribed, under the superintendence of John W. C. Loud, David Platt, and George H. Smith, or any two of them.

Elections when
held.

Sec. 4. *Be it further enacted*, That the town council shall have full power and authority to prevent and abate nuisances, to guard against the introduction, and propagation of infectious diseases; and generally to ordain and enforce such measures as may be necessary for the protection and preservation of the health of the town ; they may erect all necessary public buildings and dispose of the same, as the interest of the town may require ; they may sink wells, erect pumps, dig drains, lay out burial grounds, and regulate and take care of the same ; they shall have power to regulate, improve, alter and extend the streets, lanes, avenues, and public squares, and to open new streets, and cause encroachments, obstructions, decayed buildings, and all ruins, to be removed, they shall have power to establish and regulate patrols, to regulate the trafficking with

Powers of the
town council.

persons of color, to regulate markets, the safe keeping of a standard of weights and measures, and the conducting of auction sales within the town, to suppress riots and disorderly assemblies, and to provide for the punishment of all persons guilty of breaches of the peace, within the limits of said town.

Commit for
contempt.

Sec. 5. *Be it further enacted*, That the town Council shall have the same authority to commit to prison for contempt, as is vested in the criminal courts of the county : *Provided*, The time shall not exceed twelve hours, or the fine five dollars.

Notice of Elec-
tions.

Sec. 6. *Be it further enacted*, That the Intendant shall give ten days notice of the annual election, and appoint three citizens as inspectors, to conduct the same, and should he neglect to order the election, any two of the councilmen, or a resident Justice of the Peace is hereby authorized to order said election as soon thereafter as may be practicable.

Qualification of
voters.

Sec. 7. *Be it further enacted*, That all free white male inhabitants of twenty one years of age and upwards, who shall have resided permanently two months, immediately preceding the day of election, within the corporate limits of said town, shall be eligible to vote for councilmen : *Provided*, he has paid all taxes, or fines that may have been imposed on him.

Vacancies.

Sec. 8. *Be it further enacted*, That the town Council shall have the power to fill all vacancies that may occur, by death, resignation, or otherwise.

Quorum.

Sec. 9. *Be it further enacted*, That the Intendant and two councilmen, or in the absence of the Intendant, three councilmen shall constitute a quorum to do business, and may compel the attendance of absent members and to settle their own rule of proceeding.

Duty of Inten-
dent.

Sec. 10. *Be it further enacted*, That it shall be the duty of the Intendant to exercise a general supervision over the interests of the town, to see that the ordinances are enforced, to issue all processes, to convene the Council at such times as he may deem expedient, to preside at all the meetings thereof, and to give the casting vote in cases of a tie.

Town constable

Sec. 11. *Be it further enacted*, That the town Council shall have power to appoint a town Constable, or Constables, whose duty it shall be to serve all processes, and to perform such other duties as may be appointed him, to suppress all riots, and breaches of the peace, and to this end he is hereby vested with all the authority, rights, and privileges possessed by constables in the Magistrate's District in this Territory : *Provided*, his fees be such as are allowed by law for similar services.

Conservators of
the peace.

Sec. 12. *Be it further enacted*, That the Intendant and councilmen shall respectively enjoy, and exercise the authority of conservators of the peace.

Right of ap-
peal.

Sec. 13. *Be it further enacted*, That the right of appeal to the Superior Court shall be guaranteed to any person who may feel aggrieved by any decision under any of the ordinances of

the town : *Provided*, he shall comply with the requisites exacted of parties taking appeals to the Superior Courts in ordinary cases.

Sec 14. *Be it further enacted*, That this act shall take effect and be in force from and after its passage.

Sec. 15. *Be it further enacted*, That this act shall be subject to be modified, amended or repealed by any future Legislature of the Territory or State of Florida. Charter subject to be modified

[*Approved 14th March, 1844.*]

An ACT for the relief of S. S. Sibley.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Auditor of the Territory be, and he is hereby required to audit the account of S. S. Sibley against the Territory, for miscellaneous printing, and issue his warrant for the sum of one hundred and forty-four 50-100 dollars, in favor of said Sam'l S. Sibley.

[*Approved 14th March, 1844.*]

An ACT to establish a Board of Commissioners of Pilotage for the Port of Key West, and for other Harbors in the County of Monroe.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That there shall be established at the port of Key West, a Board of Commissioners of Pilotage, to consist of five members, to be appointed, and commissioned by the Governor of Florida, by and with the advice and consent of the Legislative Council, to hold their offices for the term of two years, who shall have power to appoint and license, such persons as may be deemed most fit and proper, to act as pilots for the port and harbor of Key West, which persons, so licensed, shall hold their branches during good behaviour; and the said board of commissioners shall require from said pilots, so licensed, such bond and security, for the faithful performance of the duty required of them, as the said board of commissioners shall deem proper, which bonds shall be made payable to the Governor of the Territory, and his successors in office; and the pilots so appointed shall take and subscribe an oath, (or affirmation,) well and truly to discharge the duties required of him or them, as pilots; and the said commissioners of pilotage shall have power to define rules and regulations, for the government of the pilots, which rules and regulations shall be promulgated officially, by publishing in any newspaper.

Board to consist of five members.

Sec. 2. *Be it further enacted*, That all vessels of war, and

merchant vessels, shall be subject to the following rates of pilotage, for the bar and harbor of Key West viz :

		All vessels of war, drawing 5 ft., and under 12 ft. \$2 25 pr ft.			
		"	do.	" 12 "	" 14 " 2 50 "
Rates of pilotage.	"	"	do.	" 14 "	" 16 " 2 75 "
	"	"	do.	" 16 "	" 18 " 3 00 "
	"	"	do.	" 18 "	" 21 " 3 25 "
	"	"	do.	" 21 ft., and over,	3 50 "
		All merchant vessels drawing 5 ft. and under 12 ft. \$1 50 pr ft.			
		"	do.	" 12 "	" 16 " 2 00 "
		"	do.	" 16 "	" 18 " 2 25 "
		"	do.	" 18 " and over,	2 50 "

Mooring or unmooring a vessel by order of the master, \$3 00

Transporting a vessel by order of master, 5 00

Vessels arriving or departing through the North West

Pass, and drawing four feet water or upwards; except as are herein mentioned, shall pay per foot \$2 00.

N. W. Pass. All vessels bound through the North West Pass, and touching at Key West, if spoken, shall be subject to pay half pilotage, unless the master shall request a pilot, to take charge of such vessel, and take her over the bar, for which services he shall receive full pilotage, according to the foregoing rates.— All pilots detained on board of any vessel by the request of her master, shall receive for each and every day's service the sum of three dollars per day, over and above his pilotage.— All fishing smacks, and wrecking vessels, (other than foreign,) shall not be subject to pilotage.

Vessels not spoken, Sec. 3. *Be it further enacted*, That any vessel having passed the bar of the North West Passage, before having been spoken by a pilot, shall not be obliged to take one; but if a pilot goes on board by the request of the master, then he shall be paid full pilotage, at the usual rates.

Vessels bound to Key West. Sec. 4. *Be it further enacted*, That all vessels bound into the port of Key West, and spoken by a pilot, *Boca Chica*, bearing North, shall pay half pilotage, unless a pilot goes on board, at the request of the master, then said pilot shall be paid full pilotage, at the usual rates, as though she had been brought in over the ship channel bar. All vessels arriving and not having been spoken by a pilot, before passing the above named limits, shall be exempted from paying any pilotage.

Vessels arriving through West Pass. Sec. 5. *Be it further enacted*, That all vessels arriving through the West pass, and the East end of the Dry Rocks, to the Westward of Sand Key, bearing South West, if spoken, shall pay half pilotage, unless a pilot goes on board at the request of the master, then the pilot shall be entitled to full pilotage, agreeable to the foregoing rates; but if not spoken before passing the aforesaid middle ground, no pilotage shall be recovered.

Sec. 6. *Be it further enacted*. That all pilots who shall bring a vessel into this port, shall be entitled to carry her out,

unless the master of said vessel can show good and sufficient cause to the contrary. Any vessel arriving at this port without a pilot, shall have liberty to depart without one, unless the master should wish one. If any pilot shall speak a vessel bound to this port, outside the limits prescribed, and the master of the vessel shall refuse to take a pilot, he shall be liable to pay half pilotage, and the pilot so speaking him, shall be entitled to carry said vessel out, unless the master refuses to take a pilot out, in which case, the pilot shall be entitled to half pilotage out.

Pilots who bring vessels into port.

Sec. 7. *Be it further enacted*, That all fees and rates of pilotage which may become due, are hereby made recoverable, before the board of commissioners, Judge of the county court, or any justice of the peace, of said county, having competent jurisdiction.

Fees, how recovered.

Sec. 8. *Be it further enacted*, That the board of commissioners created under the provisions of this act shall keep a record of their proceedings, which record shall be transferred to their successors in office.

Com's shall keep a record.

Sec. 9. *Be it further enacted*, That the said commissioners of pilotage shall have full power to vacate and revoke the license of any pilot for misbehaviour, or non user of such license, or other cause to them appearing just and reasonable, for the interest of commerce and navigation.

Com's may revoke the license of any pilot.

Sec. 10. *Be it further enacted*, That from and after the licensing and appointment of pilots, by said commissioners, for the port of Key West, as aforesaid, if any person or persons acting as pilots for the port of Key West, without a license from said commissioners, shall be fined in the sum of twenty dollars for each and every offence, recoverable before the Judge of the County Court, or any justice of the peace of said county, having competent jurisdiction, and the same to be paid into the Treasury of the county.

Persons acting as pilots without a license.

Sec. 11. *Be it further enacted*, That said commissioners of pilotage shall have, and are hereby vested with power, to settle all matters of dispute, disagreement, or demand, between masters of vessels and pilots, under the provisions of this act; and for that purpose may issue writs, enter judgments, issue executions, and attachment, according to the rules and principles of law; and every process under the provisions of this section authorized, shall be valid, if signed by either of the commissioners.

Com's vested with power to settle disputes.

Sec. 12. *Be it further enacted*, That it shall be lawful for said commissioners to appoint pilots for all inlets, bars and harbors, within the county of Monroe in the Territory of Florida, and in all respects to exercise the same jurisdiction, or control over them, or any of them, as is hereby given over the pilots of Key West.

Com's may appoint pilots for Inlets, &c.

Sec. 13. *Be it further enacted*, That the board of commissioners of pilotage aforesaid, shall have power to establish rates

Shall have

power to establish rates, &c. of pilotage for all bars, inlets, and harbors, in the county of Monroe, other than the port and harbor of Key West, which port of Key West is provided for, in the second section of this act.

Compensation of commission's Sec. 14. *Be it further enacted*, That for the examining, appointing, and licensing every pilot, the said board of commissioners shall be paid the sum of ten dollars, as a compensation for their services, to be retained by the board, for the payment of their expenses.

No keeper of a light house shall be appointed. Sec. 15. *Be it further enacted*, That no keeper of a light house, or light ship shall be appointed pilot for the port of Key West, or for any of the bars or harbors in the county of Monroe.

Fines and forfeitures. Sec. 16. *Be it further enacted*, That all fines and forfeitures accruing under the provisions of this act shall be paid into the county treasury, for county purposes.

Repealing clause. Sec. 17. *Be it further enacted*, That so much of an act, entitled "An act to establish a board of Wardens and commissioners of pilotage, for the port of Key West," approved 20th February, 1840, as is repugnant to the provisions of the foregoing act, and no more, be, and the same is hereby repealed.

[Approved 14th March, 1844.]

An ACT to Legalize certain acts of the Clerk of Columbia County Court, and for other purposes.

Preamble. WHEREAS, the Clerk of the County Court, of Columbia County did from some cause fail after his re-election in 1840 or 1841 to give bond and security as required by law, AND WHEREAS, the said Clerk did perform all the functions as Clerk of the said Court as aforesaid. AND WHEREAS such failure may vitiate the proceedings had under, and acts done by the aforesaid Clerk: Therefore

Certain acts legalized. [SEC. 1.] *Be it enacted by the Governor, and Legislative Council of the Territory of Florida*, That all the proceedings had under, and acts done by, the Clerk of the County Court of Columbia County, from January 30th, 1839, to March 24th, 1843, be and the same are, hereby legalized and declared valid and good, as fully and completely as if the said Clerk had given bond and security as required by law: *Provided*, That all the rights which may have accrued to any persons or parties, in any cause which may have been instituted prior to the passage of this law, shall in nowise be effected by the same, but remain as if this act had not been passed.

The transcript of the court &c. Sec. 2. *Be it further enacted*, That the transcript of the Records of the County Court of Columbia County, made by Jesse Carter in the year 1843, upon an order of the Judge of the county court of said county of Columbia, shall have the force and legal effect of original records; not however to render val-

in any such record where for any other sufficient legal cause, the same may be invalid.

[Approved 14th March, 1844.]

An ACT to incorporate the Tallahassee Law Library Association.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That William H. Brockenbrough, Leslie A. Thompson, James D. Westcott, Jr., James A. Berthelot, David S. Walker, Joseph Branch, and their associates and successors be and they are hereby incorporated as a body corporate, by the name of the Tallahassee Law Library Association and by that name may contract and be contracted with, sue and may be sued, implead and be impleaded, and do all other things necessary to effect the objects of their incorporation.

That the officers of said Society shall be three Directors, one of whom shall be President, another Secretary, and another Treasurer, thereof, to be elected by a majority of the share holders of the association who shall also elect a librarian of the association to hold their office for the term fixed by the by laws of the association.

That the Shares of said Association shall be at least fifty dollars each, the whole thereof to be appropriated to the purchase of Law Books for the exclusive use of the members of the said Association and not to be removed from the room occupied by the library of said company.

The company shall have power to make such by-laws as a majority of the shareholders thereof may deem necessary to enforce payment of arrearages from members or forfeiture of their shares for non-payment and to effect the purposes of their incorporation.

No member shall own more than one Share in said Association nor assign the same but by permission of the association: and each shall be *exempt from* execution for debt against any individual member.

This act shall be subject to alteration, amendment, and repeal, by any future Legislature of Florida:

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[Approved, 14th March, 1844.]

Subject to amendment or repeal.

An ACT to organize a county to be called St. Lucia county.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That the District of country bounded as follows, to wit: Beginning on the Atlantic coast,

Boundary. about twelve miles South of Fort Ann, at the terminus of the upper or northern parallel line just completed by Col. Washington, and running due west, along said parallel line to the high Sand Hills, (commonly called Thlanhatkee, between Ranges twenty-six and twenty-seven east; thence running a line southwardly, (leaving Lake Istokapaga to the eastward) to the western shores of Lake Okeechobee; thence running a line eastwardly to Hillsborough Inlet, on the Atlantic, thence northwardly along said Atlantic Coast to the point of beginning, including all lands, Lakes, Rivers, and Islands, which said lines may enclose, shall constitute a county to be called "St Lucia County."

Governor empowered to appoint officers. Sec. 2. *Be it further enacted*, That for the protection and administration of justice in the County established by this act, to the Governor of this Territory be, and he is hereby empowered to appoint such officers as he is, or may be authorized to appoint in the different counties of this Territory.

Legal voters to elect officers. Sec. 3. *Be it further enacted*, That the legal voters of said county be, and are hereby authorized to elect such officers, civil and military, as are authorized by law in the several counties of this Territory, and the officers so elected shall hold their offices for the same period, exercise the same powers, incur the same penalties, and be entitled to the same compensation and emolument, as is or may be by law provided for the officers of the same stations within the several counties in this Territory.

Election, when held. Sec. 4. *Be it further enacted*, That the time for holding elections for officers authorized to be elected by the third section of this act, shall be on the first Monday in May next, and at the usual day thereafter, as by law are directed in the several counties of this Territory, and in the same manner.

Terms of court. Sec. 5. *Be it further enacted*, That the Judge of the County court to be appointed by virtue of this act, shall hold two terms of his Court beginning on the third Monday in May, and the third Monday in November, in each and every year, which courts shall be held at the House of John C. Cleland on Indian River, until a permanent county site be selected and established.

Commissioners to be elected. Sec. 6. *Be it further enacted*, That the voters resident in said county, who are by law qualified to vote for members of the Legislative Council, shall, at the time of the election held for electing the different County officers, authorized by the third section of this act, elect five commissioners whose duty it shall be to select and locate a permanent county site, on some unoccupied spot of land, as near as practicable to the centre of said county.

Courts to be held as heretofore. Sec. 7. *Be it further enacted*, That the Superior Court for the Eastern District, now directed by law to be held at St. Augustine shall be held for the counties of St. John's, Mosquito,

and St. Lucie, as heretofore, and all suits to be brought or commenced in the Superior Court against persons residing in either of those counties, may be brought in the said Court held at the place aforesaid; and all process in such suits, shall be made returnable at the terms of the said Court to be held at St. Augustine, aforesaid.

Sec. 8. *Be it further enacted*, That all suits or actions, of whatever kind pending in the Superior Courts, or County Courts of Mosquito county, against any person or persons residing within the boundaries of St. Lucia County, together with all papers and documents, of whatever kind, connected with such suit or suits, action, or actions, shall, within thirty days after notice from the clerks of the Superior courts, and county court of said St. Lucia county, be delivered to them respectively; and the said suits, actions, prosecutions, or causes, shall stand upon the dockets in said St. Lucia County, but no portion of this act is to be so construed as to transfer any suit or action that has been, or may be commenced, in the Superior or County courts of Mosquito county, against any person or persons residing within the boundaries of St. Lucia county until such Superior courts shall be duly organized and established.

Papers, &c., to be delivered to clerks, &c.

Sec. 9. *Be it further enacted*, That the Counties of Mosquito and St. Lucia shall form one election District, and shall be entitled to one member in the House of Representatives of the Legislative Council.

Election district.

Sec. 10. *Be it further enacted*, That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed, and that this act shall be in force from and after its passage. *[Approved 14th March, 1844.]*

Repealing clause,

An ACT to amend an act now in force in this Territory in relation to Roads, Highways and Ferries.

[SEC 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the county Court of St. John's county, when assembled for county purposes in each year shall have power to direct the assessing and collecting of a Road Tax: *Provided*, the same shall not exceed one dollar per annum for each and every person subject to road duty.

Road Tax.

Sec. 2. *Be it further enacted*, That said Road Tax or so much thereof as may be necessary to keep the Roads and Bridges within the county of St. Johns in repair shall on occasion should require it, be assessed and collected by, and under the direction of the Road Commissioners and the person or persons so appointed to collect the said Road Tax shall receive as compensation for his or their services five per cent upon the amount by him or them collected.

Collected under direction of road commissioners.

Laborers to be received in lieu of money. Sec. 3. *Be it further enacted,* That any person shall have the right to commute his road tax, by supplying labourers to work on the roads at such an amount per day as may be determined by the said commissioners; and the overseers of the roads shall give certificates of the labour thus supplied which shall be received by the Tax Collector in lieu of money.

Tax applied exclusively to the making and repairing of roads. Sec. 4. *Be it further enacted,* That the Tax collected by virtue of this act shall be paid into the County Treasury and be subject to the order of the Road commissioners of said County which Tax shall be applied exclusively to the making and repairing of roads and Bridges, and the said Treasurer shall receive for his services two and a half per cent for receiving and disbursing the same.

Compensation of overseers or superintendants. Sec. 5. *Be it further enacted,* That whenever it may become necessary to work upon any of the Roads in said county, the Superintendent or Overseer of said Roads, appointed by said commissioners shall each receive two dollars per day for every day he or they may be employed in the performance of the work designated by said commissioners.

Repealing clause. Sec. 6. *Be it further enacted,* That so much of the law now in force in this Territory in relation to Roads, Highways, and Ferries as conflict with this act shall be inoperative within the limits of St. John's county.

[Approved 14th March, 1844.]

An ACT to organize the Monroe County School.

Trustees to be elected. [SEC. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the inhabitants of the county of Monroe being freeholders therein, or heads of Families having children to educate therein, may assemble annually at the Court House in Key West, on the first Monday in April and elect three trustees, who shall hold their office for one year; and in case of failure to elect such trustees on that day, those in office shall hold over until the next annual meeting, and so on from year to year until the trustees shall be elected.

Vacancies to be filled. Sec. 2. *Be it further enacted,* That whenever a vacancy shall occur in said board of Trustees either of those remaining may notify the said inhabitants to meet at the Court House, on a day certain, to fill such vacancy by election, and the notice shall be posted, in three of the most public places in the city, at least six days before the day appointed for the election; And if the trustees neglect, for twenty days to give such notice, any three of the said Inhabitants may give it; and at the day named the inhabitants entitled to elect as aforesaid, may assemble and elect a trustee or trustees to fill such vacancy.

Sec. 3. *Be it further enacted,* That when assembled for elec-

tion as above provided, the said electors, as soon as may be, after nine o'clock in the forenoon and not before, shall appoint a Chairman protem, and choose viva voce, three Inspectors, whose duty it shall be to conduct and superintend the Election and ascertain and declare the result ; And all such elections shall be by joint ballot. Inspectors to be chosen.

Sec. 4. *Be it further enacted*, That the treasurer of said county, shall pay to the said trustees out of the Treasury, the sum of eight hundred dollars, including the fund in the treasury derived from the Auction Tax, for the education of poor orphan children, as provided by the acts of 4th of March 1839, and 25th February 1840. And he shall also, from time to time pay over to the said trustees, all moneys which he may hereafter receive on account of the said fund. And the county clerk, shall hereafter pay to the said trustees all the moneys, which he may collect for licences to keep Billiard tables, retail spirituous Liquors, exhibit Shows, or Peddle goods, under the act requiring such licenses, approved, March 2d, 1840.— And with such moneys the said trustees shall purchase a piece of land in Key West, suitable for a School House lot, and shall procure to be erected thereon a School House suitable to the wants of the said inhabitants, shall keep the same in repair and shall apply the residue of such moneys to the payment of the Teacher's salary. Fund appropriated, for the education of poor orphan children.

Sec. 5. *Be it further enacted*, That the said Trustees shall be a body corporate, by the name of the Trustees of Monroe County School, in whom shall rest, the title to the said School House and lot, and they shall be empowered, to sue and be sued, to make contracts relative to the business of the said school, to regulate the price of tuition, and give to the teacher whom they shall hire and employ, a warrant for the collection thereof, and they shall have the entire management and direction of all matters and things appertaining to the said school, but children whose parents or guardians shall be unable to pay their tuition, shall be educated without charge. Funds to be applied.

Sec. 6. *Be it further enacted*, That all acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed. Repealing clause.

[Approved 14th March, 1844.]

An ACT to incorporate "The Wakulla Rangers."

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Company now organized in the Town of New Port known as the Wakulla Rangers, shall be, and is hereby constituted an Independent Company. Constituted an Independent company.

Sec. 2. *Be it further enacted*, That said company shall have

Powers.

power to elect their own officers and pass such by laws and regulations as they may deem proper and expedient for their management and government and that the officers already elected shall remain in their respective commands till they resign or are removed.

Exemptions.

Sec. 3. *Be it further enacted*, That the said company shall be exempt from all parades except at such time and places as are now set apart and provided for by law.

Number limited.

Sec. 4. *Be it further enacted*, That said Company shall not exceed sixty two in number, including commissioned and non-commissioned officers and privates, and that commissions be issued by the Governor to William H. M'Naught as Captain.— To John D. Brown as first Lieutenant; Benjamin Nuson, jr., as second Lieutenant.

Reports and returns.

Sec. 5. *Be it further enacted*, That the reports and returns of said company shall be made to, and through the staff of the Colonel commanding the regiment to which it belongs and that said company shall be entitled to, and procure a stand of Colours, and at dress parades of inspection or drill appear with the same displayed agreeable to the usages of War.

Arms.

Sec. 6. *Be it further enacted*, That the Governor be and he is hereby requested to make application to the proper department at Washington for a sufficient number of rifles to furnish said company together with the necessary accoutrements.

[Approved, 15th March, 1844.]

An ACT to incorporate the Apalachicola Fire Company.

Incorporated.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That D. B. Wood, Benjamin S. Hawley, H. G. Guyon, W. A. Kain, Wm. Foster, C. S. Holmes, David G. Raney, Eben J. Wood, Joseph Schrodt and A. M. M'Kay and their associates, be, and they are hereby incorporated by the name and style of the "Apalachicola Fire Company" with power to sue and be sued, plead and be impleaded and to ordain, establish, and put in execution such by laws, rules and regulations as they may deem necessary and expedient for the Government of said Company.

Made capable.

Sec. 3. *Be it further enacted*, That said company are hereby made capable on leave to have, purchase, receive, possess, enjoy and return to them and their successors, lands, houses, rents and other Hereditaments in fee simple or for a term of years, also goods, chattels and effects of what nature or kind soever, and the same to grant, demise, alien or dispose of and by the name aforesaid to do and execute all other things touching the same: *Provided*, That the value of the estate both

real and personal which they may possess does not exceed the sum of four thousand dollars.

Sec. 3. *Be it further enacted*, That said company shall be exempt from all duties as jurors in the superior or inferior Courts of this Territory, *Provided*, That there be a sufficient number of Jurors in the County of Franklin exclusive of the members of this company and not otherwise. Exemptions.

Sec. 4. *Be it further enacted*, That said company shall at no time consist of more than forty two members. Num'r of mem-
bers limited.

Sec. 5. *Be it further enacted*, That this act shall be subject to amendment or repeal by any future Legislature of this Territory or State. Act subject to
amendment or
repeal.

[Approved 15th March 1844.]

An ACT to establish a Superior Court in Mosquito County.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That it shall be the duty of the Judge of the Superior Court for the Eastern District of Florida, to hold a term of said Court, at the county seat of Mosquito county, on the second Monday of June, 1844, and on that day in each and every year thereafter. Term of Court
to be held.

Sec. 2. *Be it further enacted*, That the said Superior Court shall, while sitting at the county seat of said county of Mosquito, have and exercise jurisdiction over all offences against the criminal and penal laws of this Territory, committed within the counties of Mosquito and St. Lucie, as well as over all civil suits or actions arising within the said counties, or either of them; and shall also have and exercise appellate jurisdiction over the judgments and decisions of the County Courts of said counties respectively. Jurisdiction of
Court.

Sec. 3. *Be it further enacted*, That said Judge shall have power to appoint a Clerk for said Court, who shall keep his office at the county seat of Mosquito county, or as near as practicable thereto; and who shall, before he enters on the duties of his office, give bond in the penalty of two thousand dollars, with security to be approved of by said Judge, conditioned for the faithful performance of the duties of his office. Clerk to be ap-
pointed.

Sec. 4. *Be it further enacted*, That it shall be the duty of the Clerk of the Superior Court of St. Johns county, to turn over and deliver to the Clerk of the Superior Court of Mosquito county, all papers relating to any suit that may be pending in said Court, after the next March term of said Court, where the defendants reside in either of the counties of Mosquito or St. Lucia; an order of the Judge being first had and obtained. Duty of Clerk
of St. John's
county.

Sec. 5. *Be it further enacted*, That all laws or parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed. Repealing
clause.

[Approved 15th March, 1844.]

An ACT to prevent the circulation of change bills.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That it shall not be lawful for any person or company, unless such power be expressly conferred by charter, to issue any change bill, or note, or other paper to be circulated as money, under a penalty of one hundred dollars for each violation of this act, to be recovered by action of debt before the Supreme Court, at the suit of any person to the use of the county, where such violation of this act shall occur. One half of such sum recovered to go to the person bringing the suit, and the other half to the county.

[Approved 15th March, 1844.]

An ACT to divorce Caroline G. Jones.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the marriage of Caroline G. Jones, and her husband James S. Jones, be, and the same is henceforward totally dissolved, and the said Caroline is hereby remitted to the same rights, privileges, and immunities, as if the said marriage had never transpired.

[Approved 15th March, 1844.]

An ACT for the relief of J. B. Bull, and the Executors of P. Kerr.

WHEREAS, the said Jabez B. Bull and Patrick Kerr, were sureties for W. H. Michaels deceased, the collector of the Territorial Taxes for Leon county in 1838, and whereas, by the petition of said Bull and the Executors of said Kerr to the Legislative Council it appears they have been unable to avail themselves of the benefit of the act heretofore passed for their relief by reason of the destruction of papers and vouchers of said Michaels by fire in Tallahassee—and whereas, by the receipts, documents and accounts filed with said petition there is reason to believe said Michaels after deducting credits for insolvencies and delinquencies if in default, was so only in the sum of Forty-seven 50-100 dollars (\$47.50) or thereabouts and it would be unjust to compel said sureties to pay his account more than said sum.

[SEC. 1.] *Be it therefore enacted by the Governor and Legislative Council of the Territory of Florida,* That on payment of all the costs and sum of Forty-seven and 50-100 dollars (\$47.50) the said Bull and the Executors of said Kerr, the District Attorney of the Middle District be authorized to discontinue the suit against them and enter satisfaction on said bond.

[Approved 15th March, 1844.]

Preamble.

Suit to be discontinued.

An ACT to enable certain persons to dispose of Real Estate at Private sale.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That B. D. Battle, administrator of J. L. Battle, W. H. Battle, and B. H. Battle Executors of John W. Lewis, be and they are hereby authorized to sell and dispose of all the real estate belonging to the estate of J. L. Battle and John W. Lewis, lying and being in Jackson County, at private sale, upon entering into bond with good security to be approved by the Judge of the county court in a sum double the worth of such real estate conditioned for the faithful execution of the power here conferred, and also for the appropriation of the proceeds of such sale to the use and benefit of the said estates, which bond shall be filed in the county court's office of Jackson county.

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Approved 15th March, 1844.

An ACT for the relief of Francis R. Sanchez and others.

WHEREAS, in or about the year one thousand eight hundred and thirty nine, one John Hope was indicted for Larceny, by the Grand Jury for the counties of Alachua and Hillsborough at a Term of the Superior Court held at Newnansville, and the said John Hope was recognised with Francis R. Sanchez and James L. Townsend as his sureties, the said sureties each, in the penalty of five hundred dollars conditioned for the appearance of said Hope to answer to the charge in said indictment contained: and it appearing to this legislative Council reasonable to discharge the said sureties from their said recognizances, and the said J. L. Townsend having departed this life, whereby his heirs and legal representatives are bound: For remedy whereof

Preamble.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Recognizance on file in the Superior Court for Alachua county at Newnansville, conditioned for the appearance of John Hope to appear at said Superior Court, and answer to an indictment charging him with Larceny, so far as said Recognizance may affect his sureties, Francis R. Sanchez and James L. Townsend, or the heirs and legal representatives of the said Townsend since deceased, be, and the said recognizance is hereby declared and enacted to be null and void—and the said Francis R. Sanchez, and the heirs and legal representatives of the said James L. Townsend deceased, are hereby completely and fully exonerated, released and discharged from the same.

Recognizance
so far as affects
sureties declar-
ed null and void

[Approved 15th March, 1844.]

An ACT supplementary to an act, approved 5th March, 1842, relative to roads and highways.

[SEC 1] *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That when any road shall be marked out and declared to be a public road agreeable to an act of the Legislative Council, approved the 5th of March 1842, it shall be the duty of the road Commissioners of the road districts through which a road shall run, to divide said road into as many road divisions as they may think best for the public good and convenience, and appoint overseers for the same, and apportion all, or as many of the hands liable to road duty in their respective districts under said Overseer or Overseers as may be sufficient to clear out, and put in good and passable order the said road, under the same penalties, fines, and forfeitures as are prescribed by the law now in force.

Term of ap-
pointment. Sec. 2 *Be it further enacted,* That the road Commissioners, appointed by the county courts under the law now in force, be appointed for the term of three years from the date of their appointment, and in case of the death, removal, or other disqualification of any commissioner or Commissioners the County court shall appoint others in their place.

Overseers Sec. 3. *Be it further enacted,* That the said commissioners or a majority of them shall have the power to appoint Overseers for any length of time, not exceeding three years.

Com'rs may
change, &c. Sec. 4. *Be it further enacted,* That the road Commissioners appointed in any district, may at any time change the apportionment of hands on any section of road in their district, as to said Commissioners may be deemed expedient and proper.

[Approved 15th March, 1844.]

An ACT to provide for the compensation of the officers of the Legislative Council for the session of 1844, and for other purposes.

Appropriations. [SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the following sums be, and they are hereby appropriated for the expenses of the Legislative Council, for the year 1844, viz:

To Thomas Brown, Secretary of the Senate for services for seventy-five days in session, and twelve days to arrange the business of the session at six dollars per diem,	\$522 00
To John F. Webb, Asst. Secretary of the Senate for seventy five days.	\$225 00
To J. M. C. Rowell Foreman of the Senate for seventy five days.	\$225 00
To James Livingston, Messenger of the Senate, for seventy-five days,	\$225 00

	Appropriations.
To Alfred A. Fisher, Sergeant-at-Arms of the Senate, for seventy-five days,	\$225 00
To Hugh Archer, Secretary of the House of Representatives, for seventy-five days in session, and twelve days to arrange the business of the session at six dollars per diem,	\$522 00
To Samuel J. Perry Asst. Secretary of the House of Representatives for seventy-five days,	\$225 00
To W. M. Rowlett, Sergeant at-Arms for the House of Representatives, for seventy five days,	\$225 00
To Thomas G. Gill, Foreman of the House of Representatives for seventy five days,	\$225 00
To Robert Heir, Messenger of the House of Representatives for seventy five days,	\$225 00
To Joseph Clisby, printer for the Senate, for miscellaneous printing, bills, reports, slips of daily journals, journals in pamphlet form, and all other work done for the Senate, and newspapers furnished the House and Senate under their order, as may be certified to by the Secretary of the Senate and the House of Representatives,	\$2,986 95
To Samuel S. Sibley, printer for the House of Representatives, for miscellaneous printing for the House, bills, reports, slips of daily journals, journals in pamphlet form, and all other printing done for the House of Representatives, and for the newspapers furnished the Senate and House under their order, as may be certified to by the Secretary of the House and Senate,	\$3,468 86
To Cosam E. Bartlett, Editor of the Star, for newspapers furnished the Senate and House of Representatives under their order, and for miscellaneous printing, for such quantity as shall be certified to by the Secretaries of both Houses,	\$171
To Albert R. Alexander, Editor of the New Port Patriot, for newspapers furnished the House under their order, as may be certified to by the Secretary of the House,	\$150
To William Wilson, for stationary and contingencies furnished the Senate and House of Representatives for the present session of the Council, amounting to two hundred and twenty-seven dollars, and eighty-seven cents ; also for stationary and contingencies furnished the last Legislative Council, and unpaid, amounting to four hundred and ninety-two dollars and ninety-eight cents.	
To Philip A. Hayward for Stationary and contingences furnished the Senate and House of Representatives for the present session of the Council, amounting to nine hundred and seventeen dollars and twenty-five cents ; also, for stationary and	

Appropriations. contingencies furnished the last Legislative Council, and unpaid, amounting to nine hundred and sixty six dollars thirty nine cents. To Alfred A. Fisher, furnished the Senate, and contingent expenses for this session, one hundred and twenty dollars and thirteen cents. To W. G. Burgess for his account for candles furnished the Senate, and House, as certified by the Sergeant at arms, amounting to one hundred and fifty-two dollars and fifteen cents. To Thomas T. Long, extra services, as Clerk to the House of Representatives, as per resolution of said House, amounting to two hundred and twenty five dollars. To Reverend Dr. Yeager, for services as Chaplain for the Senate for seventy-five days, three hundred dollars. To Reverend Joshua Phelps, for services as Chaplain for the House of Representatives, for seventy five days, three hundred dollars. To Samuel C. Craft, for extra services as Clerk of the Senate, as per resolution, one hundred and fifty five dollars. To Thomas Hodgson, for fire wood furnished the House of Representatives, thirty-six dollars. To Messrs. Towle & Myers, for stationary and contingencies furnished the Legislative Council, sixty dollars and ninety cents. To W. M. Rowlett for fire wood furnished the House of Representatives, fifty-nine dollars. To Messrs. Betton & Meginnis, for their account for stationary and contingencies furnished the Legislature, one hundred and five dollars and forty eight cents. To M. Weinker, his account for setting up the portrait of Washington, three dollars and fifty cents. To M. N. Cutter, his account for making desks, and putting up platform for Speaker of the House, thirty five dollars. To Betton & Meginniss, for account for furnishing expenses of the Hon. Richard Burney, deceased, forty-two dollars, seventeen cents. To J. L. Demilly, his account for funeral expenses of the late Hon. Richard Burney, fifty dollars. To J. A. Edmondson, his account for funeral expenses of the late Hon. Richard Burney, forty dollars. To Messrs. Randolph & Lewis, their account as certified to by the Secretary of the Territory, five hundred and six dollars, and sixty-three cents. To H. R. W. Andrews, his account for services in locating lands for the Territory, twenty dollars.

Sec. 2. *Be it further enacted.* That the President of the Senate and the Speaker of the House of Representatives be allowed double per diem.

Sec. 3. *Be it further enacted,* That the sum of three hundred dollars be, and the same is hereby appropriated for the purpose of distributing the laws and journals of the Territory of Florida, under the direction of the Governor.

Sec. 4. *Be it further enacted,* That the Governor be authorized to certify the expenses of printing the laws of this session.

Sec. 5. *Be it further enacted,* That Henry F. Flaggs, be al-

lowed for extra services as enrolling and copying Clerk and for recording proceedings, the sum of thirty dollars.

Returned, disapproved, passed by the requisite majorities in both Houses, 15th March, 1844.

An ACT entitled an act for the benefit of the City Hospital at the City of Apalachicola Florida.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida* That from and after the passage of this Act it shall and may be lawful for the Mayor and City Council of the city of Apalachicola to levy a tax upon all passengers arriving in said city by sea, the following rates of taxes to wit: Upon every passenger arriving by sea, coastwise, the sum of fifty cents, and upon all passengers arriving by sea from any foreign country, the sum of two dollars, said funds to be paid into the hands of the City Treasurer of said city for the uses of the city Hospital of said city and no other. City Council authorized to levy tax.

Sec. 2. *Be it further enacted.* That the Mayor and Council be and they are hereby directed to employ some competent person to collect the amount of said taxes. To employ a competent person to collect same.

Sec. 3. *Be it further enacted,* That it shall be lawful and is hereby required that the master or masters of all and every vessel or vessels, to give under oath a just and true account of the number of passengers arriving in his or their vessel.—And said master or masters and the vessel or vessels are hereby declared to be bound for the tax aforesaid, and that the Mayor or upon the refusal of said master to comply with this law shall have full power to issue Execution for the amount so due for the Tax aforesaid. Masters of vessels required to give a true account of the number of passengers in their vessels.

Sec. 4. *Be it further enacted,* That the Mayor and Council are hereby vested with full power to dispose of the fund arising from said Tax for the use and benefit of the said city Hospital and none other. Mayor & council to dispose of fund.

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[Approved 15th March, 1844.]

An ACT to organize a county to be called Marion county.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the district of country bounded as follows, to wit: beginning on the North bank of the big Withlacoochee River, at the range line dividing range lines seventeen and eighteen, running North, to the Township line dividing Township lines eleven and twelve, thence East, along said line to Orange Lake, thence down said Lake to Orange creek, thence down said creek to its junction with the Oclawa-

Boundary.

ha river, thence down said river to the range line dividing range lines twenty six and twenty-seven. thence South along said line, to Township line dividing Townships twenty-one and twenty-two, thence West, to the head of the little Withlacoochee river, thence down said river, to its junction with the big Withlacoochee river, thence down said last mentioned river, to the place of beginning, shall constitute a County to be called Marion County.

Gov to appoint officers. Sec. 2. *Be it further enacted*, That for the protection and administration of justice, in the county established by this act, the Governor of this Territory be, and is hereby empowered, to appoint such officers as he is, or may hereafter be authorized to appoint, in the different counties in this Territory.

Legal voters to elect officers. Sec. 3. *Be it further enacted*, That the legal voters of said County be, and are hereby authorized, to elect such officers, civil and military, as are authorized by law in the several counties of this Territory; and the officers so elected shall hold their respective offices for the same period, exercise the same powers, incur the same penalties, and be entitled to the same compensation and emoluments as are or may hereafter be provided, for the officers of the same grade within the several Counties of this Territory.

Time of holding election. Sec. 4. *Be it further enacted*, That the time for holding elections for officers authorized to be elected by the third section of this act, shall be designated by the officers of said County, as provided for by law; and whenever any vacancy shall occur, the officers aforesaid shall order elections to fill such vacancies.

Terms of Court. Sec. 5. *Be it further enacted*, That the judge of the County Court to be appointed by virtue of this act, shall hold two terms of his court, beginning on the fourth Monday in March and on the fourth Monday of October, in each and every year; which courts, shall be held at Fort King, until a permanent county site be selected and established.

Com's to be elected. Sec. 6. *Be it further enacted*, That the voters in said county, who are by law qualified to vote for members of the Legislative Council, shall, at the time of the election held for electing the different county officers, authorized by the third section of this act, elect four commissioners, from the extreme four corners of said county, or as near as practicable; whose duty it shall be to proceed to select and locate, a permanent county site, on some unoccupied spot of land, as near as practicable to the centre of said county.

The Com's to choose a fifth person as additional com'r in full power to choose a fifth person, as an additional commis-
 Sec. 7. *Be it further enacted*, That in case the four commissioners elected in the manner prescribed in the foregoing section of this act, should fail to agree upon the location of a permanent county site, they, the said commissioners, shall have full power to choose a fifth person, as an additional commis-

sioner and the decision of a majority of said Commissioners shall be deemed final.

case of failure
to agree on lo-
cation.

Sec. 8. *Be it further enacted*, That all suits or actions of whatever kind, pending in the Superior Courts or County Courts of Alachua county, against any person or persons residing within the boundaries of Marion county together with all papers and documents of whatever kind connected with such suit or suits, action or actions, shall within thirty days after notice from the Clerk of the Superior Court and County Court of said county, be delivered over to them respectively, and the said suits, actions, prosecutions or causes, shall stand upon the dockets of said Marion county, but no portion of this act is to be so construed, as to transfer any suit or action that has been or may be hereafter commenced in the Superior or County courts of Alachua county, against any person or persons residing within the boundaries of Marion county until such Superior or County courts be duly organized and established.

Suits, papers,
&c., to be de-
livered over.

Sec. 9. *Be it further enacted*, That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed and that this act shall be in force from and after its passage.

[Approved 14th March, 1844]

An ACT to fix the time of holding the Superior Courts for the County of Marion, and for other purposes.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*. That it shall be the duty of the Judge of the Superior Court of the Eastern Judicial District to hold two terms of his Court in the County of Marion, in each and every year,—the first to be holden on the fourth Monday in May, and the other term on the third Monday in October, and thereafter annually.

Terms of court

Sec. 2. *Be it further enacted*, That all suits pending in the Superior and County courts of Alachua county against any person, persons, or corporations, residing in, or incorporated in the said county of Marion, together with all proper originals or copies of papers, or documents, whether criminal or civil shall, on application within ten days after notice to that effect from the Clerks of the Superior or County Courts, or other officers of said county of Marion, be delivered over to them respectively; and the said suits, prosecutions or causes, shall stand upon the dockets in the courts of the said County of Marion, as of the term to which they properly belonged, in the County of Alachua; and the Clerks, Marshals or other officers of Alachua County, shall not be authorized to have or demand, any fees, until the said causes thus removed shall be decided in the said county of Marion.

Suits, papers,
&c., to be de-
livered to prop-
er officers.

Sec. 3. *Be it further enacted*, That until a county site is selected as provided for by the provisions of an act, entitled, "An Act to organize a County to be called Marion county," the courts for said county shall be held, and public offices kept at Fort King.

Sec. 4. *Be it further enacted*, That this act shall take effect from and after its approval.

[Approved 15th March, 1844.]

An ACT to alter and change the present County Site of Calhoun County.

[Sec. 1.] *Be it enacted by the Governor, and Legislative Council of the Territory of Florida*, That an election shall be held in the county of Calhoun on the first Monday in May next, by the voters residents of said county who are qualified to vote for members of the Legislative Council, for the purpose of electing five commissioners whose duty it shall be, immediately after the election, to select and locate a permanent County Site.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Clerk of the county court of Calhoun county to transfer all papers and books of Record to the place selected by the commissioners provided for in the first section of this act, so soon as the said location is made and suitable Buildings erected for the accommodation of the county court of said county.

Sec. 3. *Be it further enacted*, That it shall be the duty of the Judge of the County Court of Calhoun county to give ten days notice of the said election for five commissioners and to appoint three Inspectors for each precinct where elections were last held for members of the Legislative Council, and in failure of the Judge to give such notice and to appoint such Inspectors, it shall then be made the duty of the clerk of said court. And it shall be the duty of said commissioners to open the polls and conduct the election under the same rules and regulations as are prescribed by law to the Inspectors of elections for members of the Legislative Council: but no return of such election shall be made to the Secretary of the Territory, but shall be made to the Judge of the county court who shall immediately notify the commissioners elect of their election.

Sec. 4. *And be it further enacted*, That on the selection of a location for the county site the commissioners, shall notify the Judge of the county court of such location, and it shall be his duty to appoint a special term of the county court, to take the necessary steps to procure suitable buildings for Judicial and county purposes and to do other things necessary to carry into effect the provisions of this act.

[Approved, 15th March, 1844.]

Courts, where held.

Com'rs to be elected.

Duty of the clerk.

Duty of Judge.

On selection of such location.

An ACT to organize the Jacksonville Guards.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the uniform Company of Volunteers, in the Town of Jacksonville, known by the name of the Jacksonville Guards, be, and the same is hereby constituted an Independent Volunteer Company, to be called the Jacksonville Guards, to be attached to the first Battalion of the eleventh Regiment of Florida Militia.

Sec. 2. *Be it further enacted,* That the officers at present commissioned in said corps shall continue in the respective grades to which they have been elected and commissioned. Officers.

Sec. 3. *Be it further enacted,* That the number of privates in said company may be increased to eighty men. Privates.

Sec. 4. *Be it further enacted,* That the said Company may adopt such rules and regulations as it may deem fit and proper for the government and discipline of the corps, which rules and regulations shall be binding on the members : *Provided,* They are not repugnant to any law of the Territory. Power. Proviso.

Sec. 5. *Be it further enacted,* That the members of said company shall be exempt from attendance at any company or beat muster, except such as shall be required by the by-laws of said company. Members exempt.

Sec. 6. *Be it further enacted,* That the Governor of the Territory be, and he is hereby required to supply such arms and accoutrements for said corps as its commanding officer may apply for : *Provided,* There be public arms of the kind desired, under his control, undisposed of. Arms, &c.

Sec. 7. *Be it further enacted,* That the reports and returns of said company shall be made according to law. Returns, &c.

[Approved 15th March, 1844.]

An ACT to authorize the officers of Benton County to officiate at their respective homes.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the Sheriff and Clerk of the County Court of the county of Benton be, and they are hereby authorized and allowed to keep their offices at their respective homes or places of abode ; but nothing herein contained shall be so construed, as to prevent the Sheriff and Clerk of said Court, to have all the papers and books of their respective offices at the Court House, during the session of the Courts, or at any other time when required. Offices, where kept.

Sec. 2. *Be it further enacted,* That all laws and parts of laws conflicting with the provisions of this act be, and the same are hereby repealed ; and this act shall be in force from and after its approval. Repealing clause.

[Approved 15th March, 1844.]

An ACT to authorize Alexander McAlpin to establish a Ferry across the Chipola River.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida.* That Alexander McAlpin be, and he is hereby authorized to establish, and charged with the duty of keeping a ferry on the East bank of the Chipola river, one mile and a half above the Iola rail road, at the place known as Jack's Hammock, for and during the term of five years, from and after the approval of this act.

Ferry, where kept.

Sec. 2. *Be it further enacted.* That the said Alexander McAlpin, his heirs and assigns, shall, at all times, keep a good and sufficient flat, or ferry boat, to cross loaded wagons and teams; and he or they shall receive such rates of ferriage as may be established from time to time, by the County Court of Calhoun county, and shall be subject to the orders of said Court.

Rates of ferriage.

Sec. 3. *Be it further enacted,* That it shall not be lawful for any person or persons, to establish or keep a ferry within five miles of said ferry on said river, unless the same be toll free, or for his or their individual use.

Limits.

Rights and privileges when void.

Sec. 4. *Be it further enacted.* That if the said McAlpin shall fail to establish said ferry within six months from the approval of this act, then the rights and privileges granted by this act to be void

Sec. 5. *Be it further enacted,* That this act shall, at any time, be subject to the amendment, modification, or repeal of any future Legislature, either as a Territorial or State Government.

[Approved 15th March, 1844.]

An ACT for the appointment of Pilots for the Port of Cedar Keys.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the Port Wardens of the Port of Cedar Keys, be and they are hereby authorized to appoint one or more persons to act as pilots for the bar and harbor of the Port of Cedar Keys, and to establish the rates and rules of pilotage for the same, and to furnish the pilots with a certified copy of the same.

Pilots.

Sec. 2. *Be it further enacted,* That if any person who has not been regularly appointed a pilot as above directed shall act as pilot to any vessel, (and actually pilot it into the harbor of Cedar Keys) and receive compensation for the same, shall be fined in a sum not exceeding thirty dollars for each and every offence, recoverable before any Justice of the Peace for the county of Alachua one half to the informant, the balance to revert into the county treasury for county purposes.

Fine.

[Approved, 15th March, 1844.]

An ACT to divorce William H. Browss.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Marriage Contract subsisting between the said William H. Browss and Sarah Ann Browss be, and the same is hereby, dissolved and annulled ; and the said parties are hereby absolutely divorced from the bonds of Matrimony as fully, absolutely and entirely as if they the said Wm. H. Browss and Sarah Ann Browss had never been married.

[Approved, 15th March, 1844.]

An ACT to establish and organize a Mayor's Court for the City of Apalachicola.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That there shall be organized in the city of Apalachicola, a court of record to be styled the Mayor's Court ; which shall have full power and authority to try and determine all causes which may arise under the ordinances of said city, for the purpose of recovering the penalty therein and thereby imposed for a violation thereof, and shall have full power and authority to impose such fines and penalties, and inflict such punishment, as by the by-laws and ordinances of said city may be directed to be imposed or inflicted, for the violation of said by-laws and ordinances.

A Mayor's Court organized.
Power.

Sec. 2. *Be it further enacted*, That the Mayor of said city shall be the Judge of said Court, and shall receive as compensation for his services as Judge, the sum of three dollars for each and every cause tried before him, the same to be taxed by the Clerk in the bill of costs. And said Judge before entering upon a discharge of the duties of his said office shall take an oath or solemn affirmation, before some judicial officer of this Territory, that he will faithfully discharge the duties of said office and support the laws of said Territory.

Mayor to be Judge of said Court.
Compensation.

Sec. 3. *Be it further enacted*, That in case the said Mayor from absence or other cause is unable to attend to the duties as Judge of said Court the Mayor pro tem of said City shall for the time being be Judge of said Court. and be vested with the same powers hereby granted to said Mayor.

Mayor pro tem. Judge.

Sec. 4. *Be it further enacted*, That the Clerk of said City shall be the Clerk of said court. He shall keep fair and regular minutes of the proceedings of said court which shall be signed by the judge thereof. He shall have full power and authority to issue subpoenas and all other process necessary and proper, for the conducting and prosecuting suits in said Court. And he shall be entitled to the same fees which are allowed by law to the Clerks of the County courts of said Territory for like services.

Clerk of said court.
Compensation.

Sec. 5. *Be it further enacted*, That the Marshal of said city shall be the ministerial officer of said court. It shall be his duty to execute all summons and other process directed to him by said Clerk, and he shall have the power and authority to execute the same as is by law vested in Sheriff's in said Territory. And he shall be entitled to the same fees as are allowed said Sheriffs for similar services.

Sec. 6. *Be it further enacted*, That before entering upon the duties of their respective offices the said clerk and marshal shall take an oath or solemn affirmation before said Judge faithfully to discharge the duties of their respective offices.— And shall give bond with two good and sufficient securities to be approved of by said Judge in the sum of Five Hundred Dollars each, conditioned for the faithful performance of the duties of their said offices. They shall continue in office until their successors are qualified, and upon going out of office they shall turn over to their successors all books and papers belonging to their respective offices, and the same remedies may be had against the said Clerk, and marshal as are allowed against Clerks and Sheriffs of the County Courts of said Territory.

Sec. 6. *Be it further enacted*, That no written pleadings shall be required in any case pending before said Court, but that every suit instituted in said court shall be commenced by a summons issued by said clerk, in which the names of the parties, the nature and amount of the debt, and the time and place at which the defendant is required to appear shall be fully and distinctly stated. And the service of such summons as aforesaid shall be perfected by the said marshal delivering to the defendant a copy thereof.

Sec. 8. *Be it further enacted*, That either party shall have the right to require a Jury to decide upon his or her cause provided the amount in controversy exceeds the sum of Twenty dollars: And when a Jury is required as aforesaid it shall be the duty of the said Marshal under the direction of said Judge to summon forthwith, six disinterested persons, residents of said city, who shall be sworn to try the cause pending between the parties at variance and a true verdict according to evidence. And when the Jury shall have returned a verdict in the cause the said clerk shall enter up judgment thereon agreeable to said verdict.

Sec. 9. *Be it further enacted*, That if either party shall be dissatisfied with the judgment of said Court in any cause tried therein where the amount in controversy shall exceed twenty dollars, such party shall before the adjournment of said court demand an appeal to the county court of Franklin County; and it shall be the duty of said Judge to grant an appeal upon the applicants paying all cost and giving bond with good security, to be approved of by said Judge, for the eventual cost and

condemnation money. And such appeals shall otherwise be taken and tried in the same manner as is now provided by law for appeals from Justices Courts.

Sec. 10. *Be it further enacted*, That the said court shall be held by said Judge in said city, as often as in his opinion the interest of said city shall require. And the summons issued as aforesaid shall require the party defendant to appear at such time and place as said Judge shall require, and that upon the service and return of said summons, the said cause shall be tried; and if said defendant shall fail to appear Judgment shall be entered up against him by default; but for sufficient cause shown upon oath by the party the said cause may be continued not exceeding ten days. Courts may be held.

Sec. 11. *Be it further enacted*, That in case an appeal is not taken as hereinbefore provided the said Clerk shall immediately after the adjournment of said Court issue Execution upon each judgment directed to the said marshal, who shall proceed to make the amount thereof by levy and sale, at public outcry in said city, after giving public notice thereof for the space of ten days. And said Marshal shall have the same authority to serve summons of Garnishment as is now vested by law in Sheriff's, and said summons of Garnishment shall be issued, and the proceeding had thereon shall be the same as is now provided for by law in the County Courts. Clerk to issue execution.

Sec. 12. *Be it further enacted*, That the Jury who may try any cause in said court, shall be entitled to demand and receive before rendering their verdict the sum of one dollar and fifty cents, which sum shall be paid into the Registry of said court by the party claiming said Jury trial, previous to said Jurors being summoned. Compensation of Jury.

Sec. 13. *Be it further enacted*, That in addition to the powers hereinbefore granted to the judge of said Court, he shall have the powers and authority now by law vested in Justices of the Peace for said Territory, but the jurisdiction of said Court shall be confined to such causes as may arise out of the ordinances of said city. Powers and jurisdiction of Judge.

Sec. 14. *Be it further enacted*, That whenever said Mayor, shall have good cause to believe that there has been an infraction of the by laws or ordinances of said city the punishment for which infraction may be fine, imprisonment, or other corporal punishment, said mayor may direct the issuing of a writ to seize the body of the accused, and such proceedings shall thereupon be had, and in such manner as may be provided for by said by-laws and ordinances, and whenever a fine or pecuniary penalty is imposed for a violation of said by-laws and ordinances, the person or persons, convicted may be imprisoned until the same is paid, or until such offender is ordered to be discharged by said mayor or otherwise released by due course of law. On the infraction of the by laws or ordinances of said city.

Powers of the
Mayor and city
Council.

Sec. 15. *Be it further enacted*, That the mayor and common council of said city shall be vested with power to make all such by laws, and ordinances, rules and regulations as may be necessary to carry into operation the provisions of this act.

[Approved 15th March 1844.]

An ACT to authorize Thomas Livingston to establish a Ferry across the Suwannee River.

Ferry, where
kept.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Thomas Livingston be, and he is hereby authorized to establish and keep a Ferry across the Suwannee river in Fractional section, No. 34, Township one, Range eleven, South and East, at, or near M. C. Livingston's Ware House on said river, and that he be allowed to charge such rates of toll as may from time to time be established by the county court of Columbia County.

Charter limited.

Sec. 2. *Be it further enacted*, That all rights and profits and emoluments of said Ferry be, and they are hereby vested in the said Thomas Livingston, his heirs executors administrators and assigns, for the term of ten years: *Provided*, He shall at all times keep a good and sufficient flat or ferry boat to cross over loaded waggons and teams, and shall comply with the rules and regulations that may be established by any future Legislature of the state or Territory of Florida

Proviso.

Limits.

Sec. 3. *Be it further enacted*, That it shall be unlawful for any person or persons to keep or establish a ferry or bridge within two miles of said ferry unless the same be toll free and for his, her, or their own individual use.

Sec. 4. *Be it further enacted*, That this act shall at any time be subject to the amendment, modification or repeal of any future Legislative Council.

[Approved, 15th March, 1844.]

An ACT to amend an act regulating the rate of interest approved February 12th, 1833.

Rate of Interest.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That from and after the passage of this Act, no person or persons shall upon any future contract whatever, take directly or indirectly, for the loan of any money, wares, or merchandize, bonds, notes or other commodities whatsoever, above the rate of eight dollars for the loan of one hundred dollars for one year, and after that rate for a greater or less sum or for a longer or shorter time, and all bonds contracts or covenants, conveyances or assurances here-

after to be made, for payment or delivery of any money, goods, wares or merchandize to be lent, on which a higher rate of interest is received or taken than is hereby allowed, shall forfeit the amount of said interest: *Provided*, That when no rate of interest be expressed, no higher rate than six per cent shall be charged.

Proviso.

Sec. 2. *Be it further enacted*, That every person who upon any contract shall take, accept or receive by way or means of any corrupt bargain loan, exchange or shift of any money, goods, wares, or merchandize or lands, notes or other things whatsoever above the rate of eight dollars for the forbearance or giving day of payment of one hundred dollars for one year, and so after that rate or proportion for goods, wares or merchandize, commodities, bonds or notes, when such shall be lent, contracted, agreed for, taken, accepted or received, shall forfeit or lose for every such an offence, the whole amount of interest then due, one half for which for the future shall be paid in the Treasury in the county in which such offence shall be committed and the other half to him or them who will inform and sue for the same to be recovered with cost by action of debt in any court of Record in this Territory: *Provided*, If the borrower should be the informer as aforesaid, then, and in that case the whole amount thus received shall be paid into the Treasury for the use of the county.

Interest, when forfeited.

Sec. 3. *Be it further enacted*, That all judgments which may be obtained after the passage of this law, shall bear interest at the rate of six per centum per annum, and no more.

Judgments.

Sec. 4. *Be it further enacted*, That the first and second sections of an act regulating interest, approved 12th February 1833 be and the same are hereby repealed.

Repealing clause.

[Approved 15th March, 1844.]

An ACT to amend the Execution Laws.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That lands and tenements, goods and chattels, shall be subject to the payment of debts, and shall be liable to be taken in execution and sold.

Property subject to execution.

Sec. 2. *Be it further enacted*, That writs of *feri facias* shall be made returnable when satisfied, and the officer to whom the same is directed, shall proceed to collect the amount of all executions, coming into his hands by the next succeeding term of the Court, after the receipt of such execution, if the same can be done consistently with the provisions of this act: and shall on the first day of every succeeding term of the Court, after the receipt of the execution, make a return of his doings thereon, in a book to be kept in the Clerk's office of their respective Courts, and all receipts shall also be endorsed on the execution.

Writs of *feri facias* made returnable.

Sec. 3. *Be it further enacted*, That sales of property under execution or other process, shall not be made except in the months of December, January, February, and March : *Provided*, The defendant or defendants in execution, or other process, will before the sale, enter into good and sufficient security, payable to the plaintiff, to be approved by the proper officer in a sum double the value of the property replevied, which value shall be fixed by the officer holding the execution, conditioned for the forthcoming of the property replevied on a day of sale to be designated in said bond.

On forfeiture of bond. Sec. 4. *Be it further enacted*, That should the parties to said bond fail to produce said property, and also fail to pay said execution by the day specified, said bond shall be returned to the Clerk's office, from which the same issued, as *forfeited*, and execution shall issue forthwith as well against the securities for the value of the property replevied, as against the principal for the debt, or if the value of the property exceed the amount of the execution, then, for the amount of the execution.

Sales to take place. Sec. 5. *Be it further enacted*, That all sales shall take place on the first Monday of the month, and should the property levied on, not be replevied, the same may be sold on the first Monday in any month after legal advertisement.

To stay execution. Sec. 6. *Be it further enacted*, That the Court before which an execution is returnable, or the Judge in vacation, may, on application and notice to the adverse party, for good cause, up on such terms as the Court may impose, direct a stay of the same, and the suspension of proceedings thereon, until the first term of the Court thereafter, or until a decision can be had on the same.

Duty of Marshal in certain cases. Sec. 7. *Be it further enacted*, That where there are executions against principals and securities, or an execution against a principal and security, or securities, it shall be the duty of the Marshal or other officer to make the money out of the property of the principal, unless he be insolvent, or has no property, in which case the execution may proceed against the property of the securities.

The plaintiff entitled to execution. Sec. 8. *Be it further enacted*, That the plaintiff shall be entitled to his execution at any time within three years after the rendition of any judgment or decree, and upon the issue of his execution, shall be entitled to renew the same, upon the return to the Clerk's office, of the original execution from time to time, for twenty years, unless the same be sooner satisfied. And all laws, inconsistent with this act, be, and the same are hereby repealed.

[Approved 15th March, 1844.]

An ACT to divorce Martha Conner.

WHEREAS, it has been stated to this Legislative Council that

James Conner, formerly of Leon county, in the Territory of Florida, has for many years past, abandoned his wife, Martha Conner; and has wholly failed to provide means of support for her; and it is further represented, that said Martha Conner is wholly unable to defray the expenses of a suit in Chancery, to obtain a divorce; and whereas, the said Martha Conner has petitioned this Legislative Council to be divorced from her aforesaid husband: therefore, for the relief of the aforesaid Martha Conner:

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the marriage contract, subsisting between the said James Conner and Martha Conner, be, and the same is hereby dissolved and annulled, and the said parties are hereby absolutely divorced from the bonds of matrimony, as fully, absolutely, and entirely, as if they, the said James and Martha had never been married.

[Approved 15th March, 1844.]

An ACT to empower Maria F. Garey, administratrix of John Y. Garey to sell certain Town lots in the Town of Monticello.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That Maria F. Garey, widow and administratrix of the estate of John Y. Garey, deceased be, and is hereby authorized and empowered to sell and dispose of the estate of her deceased husband, or so much thereof as may be in Jefferson county, under the same rules, regulations, restrictions and conditions, as if the same were sold under a decree of Court in that behalf.

[Approved 15th March, 1844.]

An ACT to define more particularly the boundary lines of Columbia and Duval Counties.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That from and after the passage of this act, the Eastern boundary line of Columbia county shall be as follows, viz: Beginning at the mouth of Deep Creek on St. Mary's river, running up said creek to where the Jacksonville road crosses at Pagits, thence along the old Alachua trail to Mrs. Munroe's place on the road from Black Creek to Fort Harlee, thence along said road west to Alligator Creek, thence down said Creek to Sampson river pond, thence along said Pond to Sampson River, and down said river to Santa Fee, the present boundary line.

Sec. 2. *Be it further enacted,* That the western boundary line of Duval county, shall be the Eastern boundary line of Colum-

The Northern boundary of Duval to be the Eastern b'ndry of Columbia. bia county, or so much of said line as lies south of Nassau county, and North of Mrs. Munroe's place, and that from said place, the dividing line of Duval and Alachua counties. shall be a line running due south from Mrs. Munroe's place to the St. Augustine (Bellamy's) road, thence down said road to Picolata, and thence along the present boundary of Duval county.

Sec. 3. *Be it further enacted*, That all laws and parts of laws, inconsistent with this act, be, and the same are hereby repealed.
[Approved, 15th March, 1844.]

An ACT to regulate the taking of testimony in chancery proceedings, and for other purposes.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*. That when a cause in chancery is at issue, or when by the rules of practice the parties. or either of them may proceed to take testimony; the testimony may be taken orally in open court, or before the Judge thereof, in vacation, upon motion of either party, on order duly made for that purpose; or the court may in its discretion appoint an examiner to take the testimony, who may take the same orally, or upon written interrogatories and cross interrogatories, in such manner as is, or may be prescribed by the rules of practice in said court.

No appeal to operate as a supercedas, &c. Sec. 2. *Be it further enacted*, That no appeal from any order, judgment or decree of any court of chancery, probate or other court in this Territory, appointing or removing executors, administrators or other personal representative, or affirming such order, judgment or decree shall operate as a supercedas, or have the effect of placing or keeping the estate of any deceased person in the possession of the party appealing, unless such party enter into bond with sufficient security to be approved by the Judge of the Court, payable to the Governor of the Territory for the benefit of all concerned, in a sum at least equal to the value of such estate, conditioned for the payment of all costs and damages that may accrue to all persons whatsoever, by reason of such appeal, if the same should not be prosecuted with success.

[Approved 15th March, 1844.]

An ACT for the relief of John Burgdoff.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Territorial Treasurer, be. and he is hereby required to pay to the said John Burgdoff, the sum of thirty-six 13-100 dollars, the amount of his bill for

work, as set forth in his said petition, out of any money in the Treasury, not otherwise appropriated, upon presentation of said bill and a copy of this act.

[Approved 15th March, 1844.]

An ACT entitled an act to provide for the establishing of a public School in the county of Franklin.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the county court of the county of Franklin, be authorized to establish a public free school in said county, for the education in rudimental branches, of the poor children of said county, and to levy and raise a tax therefor, and to build a school house, and purchase books for such school and in aid of such object, the Territorial tax on Banks and Bank agencies in said county, shall be paid to, and exclusively appropriated by said court therefor.

[Approved 15th March, 1844.]

An ACT to authorize William Pennington to establish a Ferry on the Withlacoochee River.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That William Pennington be, and he is hereby authorized to establish, and charged with the duty of keeping a ferry on the Withlacoochee river, in Hernando county, at Fort Clinch, for, and during the term of ten years from the passage of this act. Ferry, where kept.

Sec. 2. *Be it further enacted,* That the said William Pennington, his heirs and assigns, shall at all times keep a good and sufficient flat or ferry boat at said ferry to cross a loaded wagon and team, and he or they shall receive such rates of ferryage, as may be established from time to time, by the county Court of Hernando county, and be subject to the orders of said Court. A good and sufficient flat to be kept.

Sec. 3. *Be it further enacted,* That if the said William Pennington shall fail to establish a ferry within fifteen months from the passage of this act, then the rights and privileges granted by this act are to be void. If not established, &c.

Sec. 4. *Be it further enacted,* That it shall not be lawful for any other person or persons to establish a ferry within four miles by water of the said location, unless for his or their use, and not for taking toll. No other person to establish a ferry, &c.

Sec. 5. *Be it further enacted,* That this act shall, at any time hereafter be subject to be amended, modified or repealed by any future Legislature of the Territory of Florida.

[Approved 15th March, 1844.]

An ACT to authorize William Frink to keep a Ferry across the Suwannee River.

Ferry, where kept.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That William Frink, be, and he is hereby authorized to keep a ferry across the Suwannee river, at a place known as Blount's ferry, and charged with keeping the same, for and during the term of five years from and after the passage of this act.

A good and sufficient flat.

Sec. 2. *Be it further enacted,* That the said William Frink, his heirs, executors and assigns, shall at all times keep a good and sufficient flat or ferry boat to cross a loaded wagon and team, and he or they shall receive such rates of ferriage as is or may hereafter be established by the County Court of Columbia county, and shall be subject to the orders of said court.

No other person to establish, &c.

Sec. 3. *Be it further enacted,* That it shall not be lawful for any person or persons to establish or keep a ferry within five miles of said ferry, either above or below, on said river, except it be for his, her, or their own use, and not for the purpose of taking toll.

Sec. 4. *Be it further enacted,* That this act shall at any time be subject to the amendment, modification or repeal of any future Legislature of the State or Territory of Florida.

[Approved, 15th March, 1844.]

An ACT to repeal an act establishing a tariff of fees, passed 10th March, 1843, and for other purposes.

Rates of commission allowed.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That on all sums of money, collected under execution or other legal process, by any Marshal, Sheriff, or other officer of this Territory, there shall be allowed the following commissions to wit : On the first three hundred dollars, where there is an actual sale, the sum of four per cent, and on the first three hundred dollars of all sums collected without sale, three per cent ; on all sums actually collected and received, exceeding three hundred dollars, and less than two thousand dollars, two and an half per cent ; and when collected without sale, two per cent ; on all sums exceeding two thousand dollars, actually collected and received from sales, one and an half per cent ; and on all sums actually collected and received, exceeding said sum of two thousand dollars, when there is no sale one per cent.

Sec. 2. *And be it further enacted,* That all laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

[Approved 15th March, 1844.]

An ACT to provide for the Holding of an additional Term of the Superior Courts in the Eastern District.

[Sec. 1.] *Be it enacted by the Governor, and Legislative Council of the Territory of Florida,* That a Term of the Superior Court of the Eastern District shall be holden at the village of Tampa for the county of Hillsborough. And that hereafter all suits and actions arising within the county, or against persons residing therein, and all indictments for offences committed within the counties aforesaid shall be brought, commenced, prosecuted and tried at the term of the Court to be held at the village of Tampa, in and for the County aforesaid. A term to be held at the village of Tampa.

Sec. 2. *And be it further enacted,* That as soon as the court is organized in the county aforesaid by the appointment of a Clerk, and otherwise, and notice thereof, given by the Judge of the District, it shall be the duty of the Clerk of the said court at Newnansville to transfer and deliver over to the Clerk of the said court for the County of Hillsborough all the papers and documents relating to or connected with any suit or action now pending in said court against any person or persons residing in the said county of Hillsborough and such suits, or actions, shall then be considered as transferred to the Superior Court to be held in and for these Counties, and shall stand for trial on the docket of the Court to be held at the village of Tampa aforesaid after the said Court is duly organized and established. As soon as the court is organized, &c.

Sec. 3. *Be it further enacted,* That a term of said superior Court shall be held annually at the village of Tampa aforesaid, on the first Monday after the fourth Monday of May.

[Approved 15th March, 1844.]

An ACT to amend an act incorporating the city of Apalachicola, approved 2d February, 1838.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the second section of the act, to which this is an amendment, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That the government of said city of Apalachicola shall be vested in a Mayor and council, to consist of a Mayor and eight councilmen, who shall have power to abate and remove nuisances; to license and regulate retailers of goods and spirituous liquors, taverns, theatrical and other public amusements; to prohibit gaming, to regulate, erect, and keep wharves, to appoint wharfingers and harbor masters, and prescribe their duties, to regulate anchorage, quarantine, and the rates of wharfage, to tax and license pedlars and hawkers, to restrain and prohibit tippling and disorderly houses and Lotteries, Powers of the Mayor and Council.

(They shall also have power to assess and levy taxes on persons and property, real, personal, and mixed, within said corporation;) They shall have power to make contracts which shall be binding on said corporation; to borrow money when sanctioned by said Mayor and two thirds of said council. And generally, the said mayor and council shall have power to pass all such by-laws and ordinances as may, in their opinion, be necessary for the welfare, interest, regulation, and government of said city, and not repugnant to the laws of this Territory. And for the purpose of carrying into effect the specific and general powers hereby granted, the said Mayor and Council shall have power to impose such fines and penalties for the violation of their by-laws and ordinances, as in their opinion are proper and necessary.

Qualification
for voters.

Sec. 3 *Be it further enacted*, That as an additional qualification for voters for said Mayor and councilmen, it shall be requisite that such voters, shall have paid all taxes due by them, to said city, and in all cases it shall be the duty of the Inspectors of said election, to require of such voter satisfactory proof of such payment, before the vote is received.

Collector of taxes.

Sec. 4. *Be it further enacted*, That the collector of taxes for said city shall, under the control and direction of said mayor and council be vested with the same powers as are now given by law to collectors of taxes, for said Territory.

Sec. 5. *Be it further enacted*, That the jurisdiction of said Mayor and Council shall hereafter be extended so as to include the Bay of Apalachicola, and St. Georges' Sound.

[Approved, 15th March, 1844.]

An ACT to provide for improvements made on public lands.

Improvements
to be paid for.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*. That from and after the passage of this act, when any lands belonging to the United States, in this Territory shall be entered, upon which improvements may have been made before the same was entered, and the person or persons making such improvements are in possession at the time of entering the same, that the person or persons entering the same shall not obtain possession thereof, until after the payment of the appraised value of the improvements thereon, as hereinafter stated.

A Justice of the
Peace may as-
sess the value of
the improve-
ments.

Sec. 2. *Be it further enacted, by the authority aforesaid*, That when any lands shall or may be entered, upon which improvements are, or have been made as aforesaid, that the person or persons in possession, who have made or caused to be made such improvements, shall apply to any justice of the peace, in the county in which he, she, or they may reside, and state in writing the nature and extent of such improvements, and there-

upon the said Justice of the Peace shall forthwith order the Sheriff of such county, or any other lawful officer thereof, to summon six free-holders of said county to meet at the premises within three days from the date of such summons, who shall by said Justice of the Peace be sworn to assess the value of improvements, and the verdict of said free-holders when so rendered, shall be final and conclusive between the parties, and the person or persons entering said land shall not be permitted, either at law or equity, to take possession of said lands, until the amount of said verdict, and all costs shall have been paid.

Sec. 3. *Be it further enacted*, That the said law shall be confined in its application to those lands which have already been offered for sale.

Sec. 4. *Be it further enacted*, That this law shall be in force from and after its approval by Congress.

[Approved 15th March, 1844.]

An ACT to change the time of holding the County Court of Walton County.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Spring term of the County Court of Walton county, shall hereafter be held on the second Monday in March; and the Fall term of said Court shall be held on the fourth Monday in October, in each and every year.

Sec. 2. *And be it further enacted*, That this act shall go into operation, from and after the first day of May next.

Sec. 3. *And be it further enacted*, That all laws in relation to this subject heretofore passed, be, and they are hereby repealed.

[Approved 15th March, 1844.]

An ACT to Incorporate the Inhabitants of the different Townships of this Territory, for the institution and establishment of common schools.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That so soon as there are ten electors, in any township, or fractional township, which by law is entitled to a section or fractional section, for school purposes the said electors are hereby authorized to elect three trustees, and one treasurer, for the purpose of taking into their care the sections above described, and who shall be a body corporate by the name of the trustees of the sixteenth section, in their said township, and shall be capable of suing and being sued, and possessing all the powers necessary for the purposes hereinafter specified: *Provided*, That no person residing in, or holding a lease, on any of the before described sections, shall be eligible to the office of trustee or treasurer aforesaid.

Electors in
Townships may
elect Trustees
&c.

Mode of election.

Sec. 2. *Be it further enacted*, That when the inhabitants of any surveyed or fractional township, shall make it appear to the satisfaction of the Judge of the county court, or the Commissioners of the county, that there are ten electors inhabiting such township, the Commissioners or Judge of the county Court, shall, within five days, cause a written notice to be put up in three of the most noted places in the township, requiring an election to be held therein, for the purpose of electing three Trustees, and one Treasurer, to perform all the duties pointed out by this act, giving fifteen days notice of the time and place of holding such election, which shall be held as near the centre of the township, as circumstances will admit of ; and the electors of such township, shall, at such time and place, assemble, and then and there elect township officers ; and the officers so elected shall hold their offices until the next annual township election, and until their successors are elected and qualified.

Elections and Judges of elections.

Sec. 3. *Be it further enacted*, That on the first Monday of April annually, the electors in each and every township shall assemble at such place, in their respective townships as may be appointed by the trustees thereof, (or by the advertisement of commissioners, in case of newly set off townships,) for the purpose of electing their township officers, and the electors when so assembled, to the number of ten or more, between the hours of eight and twelve, before noon, shall proceed to choose *Viva Voce*, three persons having the qualifications of electors, judges of the election, and two persons of like qualifications, to serve as clerks, but in townships, in which officers have been chosen the preceding year, the trustees shall serve as judges, and the clerk and such other person as the judges may appoint shall serve as clerks of the election to be holden, and if either of the trustees or clerk shall fail to attend the place of such trustees or clerk shall be filled by the electors *Viva Voce*, as aforesaid.

Oaths taken by the Judges, &c.

Sec. 4. *Be it further enacted*, That previous to receiving votes, the judges and clerks, except they be trustees, or clerk of the Township, shall take an oath or affirmation, faithfully to discharge the duties of their respective offices, according to law, and to the best of their ability, and that they will endeavor to prevent any fraud, deceit, or abuse whatever, in conducting the same.

Treasurers and Trustees shall hold their office.

Sec. 5. *Be it further enacted*, That the trustees and treasurer shall hold their offices for three years, except as hereinafter provided ; and are hereby authorized and empowered to do so, and perform all such duties as now are, or may be required of them by law

In case the Trustees do not order an election.

Sec. 6. *Be it further enacted*, That the trustees and treasurer shall hold their offices for three years, except that the trustees first elected in the township shall hold their offices for the term of one, two, and three years, to be by them determined by lot at their first session.

Sec. 7. *Be it further enacted*, That in case of a failure of, or refusal by, the trustees or commissioners, or Judge of the county Court, to give notice of an election, as aforesaid, it shall then become the duty of any elector inhabiting such township at any time thereafter, to advertise an election thereon for the purpose aforesaid, which notice shall be given in the same manner and the elections conducted under the same regulations as directed in this act. In case the trustees do not order an election.

Sec. 8. *Be it further enacted*, That when a vacancy shall happen in the office of trustee or treasurer, the trustees shall fill such vacancy, and the persons thus chosen shall continue in office until the next annual election, when the officer elected shall hold for the unoccupied time of the person whose place he was selected to fill. Vacancies how filled.

Sec. 9. *Be it further enacted*, That the trustees shall lease out said section or sections: *Provided*, That a reasonable rent can be obtained for the same, after giving at least thirty days notice by advertisement, set up in four of the most public places in the county, one of which shall be in the township, mentioning the time and place when the proposals shall be received, and when they will meet to execute the leases, always giving preference to those, who, in their opinion make the most advantageous proposals. Trustees may lease out school sections.

Sec. 10. *Be it further enacted*, That the lessees shall enter into bond, with good security to be approved by the Trustees for the faithful performance of his lease, and said lessees shall be bound not to waste or destroy the trees or timber, further than is necessary for improving thereon, and to make such improvements as the conditions of the lease shall require, and the trustees shall examine the premises, and see that they are left in good repair, and that the lease has been punctually complied with. Lessee to give bond.

Sec. 11. *Be it further enacted*, That all unimproved lots of school lands may be leased, for any term not exceeding four years, for making such improvements on the same as the trustees may think advisable, and all improved lots may be leased for any term not exceeding three years, the rent of which shall be paid in money, on the first Monday in December, annually, *Provided*, That until the ratification of this act, by Congress, leases of the lands aforesaid, shall be only from year to year, prescribed by the laws now in force. Unimproved lands may be leased four years.

Sec. 12. *Be it further enacted*, That the said trustees shall apply the rents and profits of said lands to the special purpose for which it was intended, for the use of schools in said township, which rents shall be collected by the treasurer, who shall not pay out any money, so received, but on the order of the trustees; and the treasurer shall keep a book with fair and accurate entries of all monies received, together with a list of disbursements, and carefully file the vouchers relating there- Rents to be applied to use of schools.

to, which books and papers shall at all times be subject to the inspection of the trustees.

Trustees to meet, &c. Sec. 13. *Be it further enacted,* That it shall be the duty of the said trustees of every township, when there is any money accruing from rent of school lands, to meet at least once in each year at such place as they may agree upon, and appropriate the money.

On failure of payment. Sec. 14. *Be it further enacted,* That all rents arising from any of the said lands, shall be paid by the lessees thereof to the treasurer as they become due, and on failure of the payment, or non-compliance with the conditions of the lease, the treasurer shall, when so directed by the trustees, bring a suit in the name of the trustees, and may distrain therefor, and if goods and chattels cannot be found, whereby distress can be made, the trustees are hereby authorized to re-enter upon the land of the delinquent, and sell his or her right or title in such lease, to satisfy such rent, damages and costs, on giving twenty days previous notice of the time and place of sale by advertisement in three public places in the county; one of which, shall be in the township, subjecting the purchaser to the conditions contained in the case of the delinquent; and in case the lease sell for more than the rent, damages and costs, the surplus shall be paid over to the trustees, for the use of the township.

Townships may associate and the land be held in common. Sec. 15. *Be it further enacted,* That the inhabitants of two or more townships in a county, may, with the consent of a majority thereof, convened together at a place to be appointed by the commissioners, or trustees, elect trustees and a treasurer, as aforesaid; or, the inhabitants of other townships, may, upon the written application of a majority of such townships, attach themselves to a township legally organized, by the assent of such township, and such union shall entitle the parties so formed into association, to all the privileges and advantages thereof, and the land shall be held in common, and the rents thereof be divided for the common benefit, and the officers elected under such joint arrangement, shall have the same rights, powers and capacities over the joint funds and land, as may be, or is possessed by them, in their several townships, and notices for election shall be given in all the townships.

Trustees shall take possession and control of the lease made the present and past years. Sec. 16. *Be it further enacted,* That said trustees shall take possession and control of leases, made during the present and past years, of land, within their townships, and through their treasurer receive payment therefor, and may discharge the same on payment thereof, and if necessary, use the name of the Sheriff, or other officer, to enforce payment thereof, and may sue for rents due for the past use of said lands, and for trespass or injury thereof, or to recover possession thereof.

Penalty for refusing. Sec. 17. *And be it further enacted,* That if any person or persons shall detain from the trustees, aforesaid, or, refuse to deliver possession of the sixteenth sections which they are en-

titled to the charge of, he or she shall be liable to be indicted, and on conviction, shall be fined in a sum not exceeding two thousand dollars.

[Approved 15th March, 1844.]

An ACT for the relief of Buckingham Smith.

Sec. 1. *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the auditor of the Territory be, and he is hereby directed to issue a certificate to Buckingham Smith for the sum of one hundred and thirty-three 33-100, dollars, that being the amount due said Smith for two months services as private secretary to Governor Reid, beginning on the 15th December, 1839, and ending on the 15th February 1840 and that the Treasury be requested to pay the same.

[Approved 15th March, 1844.]

An ACT relative to Roads and Highways in Nassau county.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That from and after the passage of this act, the inhabitants of Nassau county, who by law are made liable to road labor, shall in no case be required to perform said labor out of their respective road districts, or be called more than fifteen miles from their place of residence. The inhabitants not required to perform road labor out of their respective road districts.

Sec. 2. *Be it further enacted*, That the inhabitants of Amelia Island, liable as aforesaid, be and they are hereby authorized to perform one half of such road labor, as by law may be required of them, in working the roads on said Island. The citizens of Amelia Island.

Sec. 3. *Be it further enacted*, That every person other than an overseer of any road district, may commute the whole, or any part of his road labor by paying to the overseer of his division, within three days after he shall be named to appear and work on the road, at the rate of fifty cents for each day's labor he may be liable for. May commute road labor.

Sec. 4. *Be it further enacted*, That all forfeitures incurred by the delinquency of any person subject to road duty, and all commutation money collected, shall be laid out, and expended in hiring hands to work on the roads in the district in which such money, shall be recovered, or in otherwise repairing and improving the same under the direction of the commissioner of said district. Monies collected how to be expended.

Sec. 5. *Be it further enacted*. That if any person liable to work upon roads shall fail to perform such labor, or neglect to

On failure to perform road labor, &c. pay the commutation money within the three days above specified he shall be liable to the penalties and forfeitures provided by the law in force at the passage of this act.

Duty of Overseers.

Sec. 6. *Be it further enacted*, That the overseers of the several divisions of the districts shall account to the commissioners of said district for all monies by them received under the provisions of this act, at the first meeting of said commissioners after the money shall have been paid to said overseers.

On failure of the overseer to attend.

Sec. 7. *Be it further enacted*, That whenever any hands shall be summoned to appear and work on the roads, at any place specified thereon, and the said persons or hands so summoned, shall find no overseer to superintend the working of said roads, then, in that case, the said hands, after a reasonable delay to ascertain if said overseer will attend, shall be allowed to return home and be discharged from any further road duty for the term specified in said summons.

Overseers to forfeit and pay.

Sec. 8. *Be it further enacted*, That whenever any overseer shall fail or neglect to attend in person, or by agent, at the time and place specified for the assembling of hands for road duty, he shall forfeit and pay to the commissioners of his district, fifty cents per day for each, and every day's labor lost to said district in consequence of such non-attendance, which money shall be expended as provided in section fourth of this act.

Construction of act.

Sec. 9. *Be it further enacted*, That nothing herein, shall be construed to exempt any overseer, commissioner, or other officer from any penalty or forfeiture provided by the road laws now in force in this Territory, for neglect of duty, or malpractice in office.

Penalties, &c. how recovered

Sec. 10. *Be it further enacted*, That all penalties, and forfeitures incurred under the road laws, may be recovered before any Justice of the Peace in said county in the name of the commissioners for the district in which the cause of such penalty or forfeiture shall arise.

Repealing clause.

Sec. 11. *Be it further enacted*, That so much of the law now in force in this Territory, in relation to Roads, Highways and Ferries as conflict with this act, shall be inoperative within the limits of Nassau county.

[Approved 14th March, 1844]

AN ACT in relation to administering oaths.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Judges and Clerks of the Superior Courts, Judges and Clerks of County Courts, Justices of the Peace, and Notaries Public, be and they are hereby authorized and empowered to administer oaths in all cases in which by law oaths are required to be administered.

Approved 15th March, 1844.

An ACT to authorize the clerk of St. John's county to refund certain Taxes by him collected under a law entitled an act to suspend the operation of the revenue laws for the year 1840, and to provide for the settlement of all arrears due to and from the Territory of Florida approved 2d of March, 1840.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the Clerk of St. John's county, be, and he is hereby required and directed to refund so much of the Tax by him collected under the above recited act, as remains unexpended in his hands, to the persons from whom the same may have been collected.

[Approved 15th March, 1844.]

An ACT to divorce Francis Dummett.

WHEREAS, it has been stated to this Legislative Council, that Douglas Dummett of St. John's county, in the Territory of Florida, has for many years past abandoned his wife Frances Dummett and has wholly failed to provide means of support for her and her child, and whereas, the said Frances Dummett has petitioned this Legislative council to be divorced from her aforesaid husband Douglas Dummett: Therefore for the relief of the aforesaid Frances Dummett,

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That the marriage contract subsisting between the said Douglas Dummett and Frances Dummett, be and the same is hereby dissolved and annulled and the said parties are hereby absolutely divorced from the bonds of matrimony, as fully, absolutely and entirely as if they, the said Douglas and Frances had never been married.

[Approved, 15th March, 1844.]

An ACT to authorize Platt and others to build a bridge across Suwannee River.

[SEC. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That Joseph B. Watts, Francis Jones, David Platt, Enoch Hall, A. Vann and Loud & Sadler, or as many of them as shall form a company, be; and they are hereby authorized to establish and keep a Toll Bridge across the Suwannee River, at the junction of said River and the Withlacoochee, on or near township one, range eleven, south and east, where the town of Columbus is now situated, and they are further authorized to connect said bridge with that point of Hamilton county, which projects out between the two rivers, if they think proper, and they shall be allowed to

Allowed to
build a toll
bridge.

charge such rates of toll as may be from time to time established by the county court of Columbia county.

Profits and emolument
vested, &c. Sec. 2. *Be it further enacted*, That all the rights and privileges, profits and emoluments of said Bridge, be, and they are hereby vested in the said Joseph B. Watts, Francis Jones, David Platt, Enoch Hall, A. and Vann, Loud & Sadler, or as many of them as shall form said company, their heirs, executors, administrators and assigns, for the term of ten years from and after the passage of this act, provided they shall keep said Bridge in proper repair so as a loaded wagon and team can at all times pass without danger.

The privilege granted &c. Sec. 3. *Be it further enacted*, That the privileges now granted to David Platt by charter for Territory, approved Feb. 8th, 1839, be continued until said Bridge shall be completed, and should the Bridge after its erection be destroyed by freshets or any other way, the privileges granted in said charter shall be again revived.

It shall be unlawful, &c. Sec. 4. *Be it further enacted*, That it shall be unlawful for any person to establish and keep a ferry or Toll Bridge within two miles of said bridge, unless the same be toll free, and for his, her or their own individual use.

Subject to amendment and repeal. Sec. 5. *Be it further enacted*, That this act shall at all times be subject to be amended or repealed by any future Legislature of Florida.

Rights when forfeited. Sec. 6. *And be it further enacted*, That if the work of building the said bridge as described and allowed by the provisions of this act shall not be commenced within six months and completed within two years from and after the passage and approval of this act, then, and in that case, all the rights granted in this charter, shall be forfeited : *And Provided further*, That said bridge shall be so constructed as not to obstruct the navigation of the said river above said Bridge.

Proviso.

[Approved, 15th March, 1844.]

An ACT to exempt cotton sold at Auction from Auction Tax.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida*, That no raw or unspun cotton, sold at public auction except cotton wrecked at sea, or on water courses, and sold for the benefit of salvor, or underwriter, shall be subject to the auction tax prevented by law, any law to the contrary notwithstanding.

[Approved, 15th March, 1844.]

RESOLUTIONS

ADOPTED BY THE LEGISLATIVE COUNCIL.



Preamble and Resolutions.

WHEREAS, the Bay of St. Joseph, Florida, is without the presence of an officer either of the customs or the revenue, and whereas, its ready accessibility to vessels, the facility for landing goods, and the ease and celerity with which they can be transported by a good wagon road, less than seven miles in length, to the navigable waters of the Apalachicola River, must in a short time, bring about evasions of the Revenue prejudicial alike to the Government, and fair dealer :

Resolutions.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions, to procure the passage of a law, establishing St. Joseph into a surveyors district.

Be it further Resolved, That a copy of the foregoing preamble and resolution be duly authenticated, and forwarded to the Hon. David Levy our delegate in Congress.

[Approved 5th February, 1844.]



Preamble and Resolution.

WHEREAS, The Country in the neighborhood of Lake Worth, Indian River and New Smyrna, on the Southern coast of Florida, and Enterprize on the St. John's River, has greatly increased in population: And Whereas the establishment of a mail route from the City of St. Augustine to some point on Indian River, via. New Smyrna and Enterprize, would afford many facilities to numerous citizens in those sections of Country: And whereas, the nearest Post Office to the settlers at either of those points, is at St. Augustine, a distance varying from sixty five, to two hundred miles, to those citizens a matter of great inconvenience.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our delegate in Congress, be, and he is hereby requested to use his best exertions to procure the establishment of a mail route, from the city of St. Augustine to some point on Indian River, via. Mr. A. Dupont's residence on the western bank of Matanzas River. New Smyrna and Enterprize: also from Enterprize to Tampa Bay.

Resolutions. Be it further Resolved, That a copy of the foregoing preamble and resolutions be duly authenticated and forwarded to the Honorable David Levy, our Delegate in Congress, also to the Post Master General.

[Approved 15th February, 1844]

Preamble and Resolutions.

WHEREAS, the great extent of the public roads in Nassau county, and the lowness of the country through which they run requires an amount of labor to keep them even in a passable condition, wholly beyond the power of the limited population of said county : And whereas the said county is greatly divided by numerous creeks and swamps, which are impassable without bridges, many portions of the year. And whereas the building and keeping in repair said Bridges, is a severe and burdensome tax upon the citizens of said county.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be, and he is hereby requested to use his best exertions, to obtain an appropriation by Congress, of the sum of Five Thousand Dollars, to be expended under the direction of the Commissioners of road Districts in said county.

Be it further resolved. That a copy of the foregoing preamble and resolutions be signed by the proper officers, and transmitted to the Honorable David Levy our Delegate in Congress.

[Approved 5th February, 1844.]

Resolutions.

Be it Resolved by the Governor and Legislative Council of Florida, That Nathaniel Bryant, Esquire, be allowed and receive the mileage and compensation prescribed by law to be paid to members of this House up to this day.

And be it further Resolved, That our Delegate in Congress be, and he is hereby requested to use his best efforts, to have an appropriation made, for the payment of the aforesaid amount.

[Approved, 5th February, 1844.]

Preamble and Resolutions.

WHEREAS, a large number of emigrants have located themselves on Lake Worth, Jupiter Narrows, and Indian River, on the Southern coast of Florida ; and whereas, great embarrassments, are encountered by those emigrants, in the want of a safe communication to remove their goods and chattels from their former homes ; the navigation of the coast of Florida,

generally being considered dangerous. And whereas, the encouraging the settlement of that portion of the Territory, bordering on the Atlantic is of vast importance to the General Government, in a humane, as well as military point of view : And whereas, with the assistance of the Government, an inland water communication can be opened from the city of St. Augustine to Cape Florida, by a few miles of canalizing, which in time of war would be invaluable for the purpose of transporting troops and munitions of war, to various points on the exposed frontier of Florida, and in the meanwhile afford to the emigrants every facility for settling.

Resolutions.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested, to lay this subject in its proper light, before Congress, and urge upon Congress the propriety of appropriating immediately, a sufficient sum for cutting a canal between the head waters of Matanzas river and Smith's creek, a distance estimated at about ten miles, and between the head waters of Mosquito South Lagoon and Indian river, a distance of seven hundred and twenty-five yards, also between the South Prong of Jupiter river and Lake Worth, a distance of about one mile.

Be it further resolved, That a copy of the foregoing preamble and resolutions, be duly authenticated and forwarded to the Honorable David Levy, and by him to be laid before Congress.

[Approved 15th February, 1844.]

Preamble and Resolutions.

WHEREAS, the increasing trade and growing population of the country bordering on the Oclawaha river, makes the free navigation of said river, a matter of vital import to the citizens of the adjacent country ; and whereas, by reason of obstructions in said river, the navigation up to its head, say to the Silver Springs and Fort King, is much impeded to the great injury of the citizens residing in the vicinity of said river ; and whereas, Congress did appropriate an amount for the removal of said obstructions, which was prevented from being executed by the breaking out, and continuance of the Seminole war, in consequence of which, said appropriation has reverted back to the national Treasury.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best exertions, to procure a reappropriation of said sum for clearing out the obstructions in said Oclawaha river ; and that a copy of the foregoing preamble, and this resolution, be forwarded to him by the Secretary of the

Resolutions. House of Representatives, immediately after its passage, to be laid before Congress as soon as practicable

[Approved, 15th February, 1844.]

Preamble and Resolutions.

WHEREAS, the geographical position of the river Choctawhatchie, and its susceptibility of improvement as a commercial channel, to and from several of the counties of Alabama and Florida, contiguous to its shores, justify a call on Congress for the requisite appropriation. Issuing from the vallies of Central Alabama, and augmented by the tides of numerous tributaries, it enters Florida at the North Western angle of Jackson county, with a depth and volume of water sufficient for the purposes of steamboat navigation. But, to render it permanently useful in this respect, some aid is requisite from the hands of man, and the skill of the engineer; the only obstruction to the navigation of the river, being created by fallen trees. No scientific survey has yet ascertained the cost of surmounting this obstruction. It is nevertheless known and admitted to be inconsiderable. The utility, however, of the proposed improvement, is still less a subject of speculation, than its probable cost. Passing through a region abounding in the elements of agricultural and commercial wealth, nothing is wanting to arouse into efficient and profitable action the latent energies of the enterprising planter of its vicinity; to invite and commence emigration, to secure a rapid sale of public lands, and to quadruple the value of private estates; but a cheap and regular communication with a market on the sea-coast. And it is worthy of consideration, that the improvement here contemplated derives no small strength, from the fact, that the point of communication with the sea-coast, will be the town of Pensacoa, which would at all times receive from that part of Alabama and Florida, besides valuable shipments in cotton, important supplies in lumber and provisions, a cheap and safe route for the transportation of the mail; and, in time of war, in the space of a few hours, troops for the protection of the town and arsenal. The State of Alabama, already impressed with the importance of this scheme, has appropriated a considerable amount to the clearing out of the river to the Florida line, and it only remains for an appropriation of a few thousand dollars to complete a work which has for its accomplishment no inconsiderable advantage to the people of Florida and Alabama: And whereas, Holmes river, a tributary of the Choctawhatchie river, having its source in the State of Alabama, and passing through the fertile counties of Jackson and Washington, and having no other obstructions to its navigation, as high up said river as Roache's Bluff, the county seat of Washington, but fallen trees,

may, at little expense, be easily rendered accessible to the point above mentioned for flat bottomed boats with heavy tonnage. Resolutions.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions to procure an appropriation of twenty thousand dollars, for the clearing out of the rivers Choctawhatchie and Holmes.

Be it further resolved, That a copy of the foregoing preamble and these resolutions, properly authenticated, be transmitted to the Honorable David Levy, Delegate in Congress from our Territory.
[Approved, 15th February, 1844.]

Resolutions.

Resolved by the Governor and Legislative Council of the Territory of Florida, That Congress be earnestly requested to pass a law establishing a chamber of commerce at Key West, with plenary powers to act, decide and award, in cases of salvage and other matters referred to them; and that our Delegate in Congress be requested to urge speedily and earnestly on Congress, the passage of such a law.

Resolved, That a copy of these resolutions be certified, and transmitted to the Honorable David Levy, as soon as practicable.
[Approved 15th February, 1844.]

Preamble and Resolutions.

WHEREAS, the direct road leading from Tampa Bay to Palatka, a distance of about one hundred and fifty miles, over which the mail must eventually pass, being the only direct route through that section of country, and well adapted to facilitate a communication from Tampa Bay, with Charleston, Savannah, and divers other northern ports, is, at times, rendered impassable, in consequence of the decayed state of bridges over the small creeks on said road

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That the Honorable David Levy, our Delegate, be requested to use his best endeavors, to obtain from Congress an appropriation of ten thousand dollars for the repair of said road.

Be it further Resolved, That as soon as the foregoing preamble and resolutions shall have been passed, and signed by the proper officers, a certified copy of the same be forthwith forwarded to our Delegate in Congress.

[Approved 23d February, 1844.]

Resolutions.**Preamble and Resolutions.**

WHEREAS, the increasing trade between the counties of Jackson and Calhoun, and the City of Apalachicola, is greatly impeded by fallen trees, and trees standing in the place known as Gum Swamp, through which the Chipola river runs, and boats pass regularly.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best exertions, to procure an appropriation of twenty-five hundred dollars for the clearing out of trees and other obstructions on said river.

Be it further Resolved, That a copy of the above preamble and resolutions be signed by the proper officers of both Houses, and transmitted to the Honorable David Levy, our Delegate in Congress.

[Approved 23d February, 1844.]

Resolutions.

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That the Secretary of the Territory, be, and he is hereby required, and it is made his duty, to cause to be furnished each of the Clerks of the different counties in the Territory, one copy of the census returns, now in his office; and that as many copies of said census returns, as may remain in his office, after one copy has been furnished each of the Clerks as aforementioned, be deposited in some appropriate place, in a room to be assigned by the Governor for that purpose.

Resolved further, That the Clerks of the different counties of the Territory be, and it is hereby made their duty to keep and preserve said census returns, in their office, for public use.

[Approved 23d February, 1844.]

Preamble and Resolutions.

WHEREAS, the settlement of Palatka, and the county in its vicinity, is rapidly increasing in population and commerce; and whereas, it is indispensably necessary for the convenience of the numerous settlers, that a road should be opened leading from the St. John's river, opposite to Palatka, and running through the Deep Creek settlement, (it being the nearest route,) to the City of St. Augustine; combining the advantages of a road for transportation, and the convenience of a direct mail.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be, and he is hereby requested to use his best exertions,

to obtain an appropriation of ten thousand dollars, for the opening of said road. Resolutions.

Be it further Resolved, That as soon as this preamble and resolutions be passed, and signed by the proper officers, a certified copy of the same, be forthwith forwarded to our Delegate in Congress.

[Approved 23d February, 1844.]

Preamble and Resolutions.

WHEREAS, The inhabitants of Columbia and Hamilton counties, Florida, and adjacent counties of Georgia, living on the Suwannee and St. Mary's Rivers, are entirely without the convenience of a mail route: And whereas, the nearest Post Office to them is at Alligator, (Columbia Court House) a distance varying from twenty to fifty miles: And whereas, a mail route from Alligator by Blount's Ferry and Hogan's Bridge, Florida, to Centrevillage, Georgia, a distance of not more than one hundred miles, would afford the desired facility, to numerous inhabitants of Florida and Georgia, and the cost would be trifling, compared with the advantages to the aforesaid inhabitants.

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions to have the said Mail route established.

Be it further Resolved, That copies of the foregoing preamble and Resolution, duly authenticated, be forwarded to our Delegate in Congress; the Post Master General, and the Speaker of the House of Representative, of the Congress of the United States.

[Approved 23d February, 1844.]

Preamble and Resolutions.

WHEREAS, there are several public lots in the city of St. Augustine, not required for Military purposes; And whereas, the sixteenth sections, which by law have been reserved for school purposes, are entirely valueless, and utterly inadequate to carry out the beneficent object intended by congress of imparting instruction to the youths of our Territory.

Be it therefore Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best exertions to obtain from Congress a donation to the free school of the city of St. Augustine, the public lots in said city, not absolutely required for military purposes.

Resolutions. Be it further Resolved, That a copy of the above preamble and resolution, properly certified, be forwarded to our Delegate in Congress, with as little delay as possible.

[Approved, 24th February, 1844.]

Preamble and Resolutions.

WHEREAS, The Counties of Hillsboro' and Hernando, have increased greatly in population; and whereas, the establishment of a mail route from Pilatka, via Micanopy, Fort King, Warm Springs, Fort Plentiful, Hernando Court House, Fort Brook at Tampa Bay, would afford many facilities to numerous citizens in those sections of country; and whereas, the nearest Post Office to the settlers at either of those places, is at Tampa Bay, a distance varying from twenty to one hundred and twenty miles, a matter of great inconvenience.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be, and he is hereby requested, to use his best efforts to procure the establishment of a mail route, from Pilatka, in St. John's county, via, Micanopy, Fort King, Warm Springs, Fort Plentiful, Hernando Court House, Fort Brook at Tampa Bay.

Be it further Resolved, That a copy of the foregoing preamble and resolutions be duly authenticated and forwarded to the Honorable David Levy, our Delegate in Congress: also to the Post Master General.

[Approved, 28th February, 1844.]

Preamble and Resolutions.

WHEREAS, The growing commerce of the Town of Jacksonville, in Duval County in the Territory of East Florida, and the increasing trade of the extensive country bordering on the river St. John's, in said Territory, call loudly for the establishment of a marine Hospital, as a place of refuge to our unfortunate seamen, who, from disability or disease, require the fostering care of the General Government: And whereas, the healthy and convenient location of the town of Jacksonville, together with the many other advantages it possesses, recommends itself, as a suitable place for the establishment of a Marine Hospital.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby earnestly requested to use his best endeavors to procure from Congress, a suitable appropriation for

the purpose of erecting a Marine Hospital in the town of Jacksonville, Duval county, in the Eastern District of Florida. Resolutions.

Be it further Resolved, That a copy of the foregoing preamble and Resolutions be certified by the proper officers, and forwarded to the Honorable David Levy, Delegate from Florida.

[Approved, 28th February, 1844.]

WHEREAS, The Commercial intercourse between Marianna in Jackson county, and Apalachicola, and the adjacent country, has greatly increased in the last few years : And whereas, the free navigation of the Chipola River is vitally obstructed by fallen trees, trees, drifts and shoals : And whereas, It is well ascertained that the expense of removing said obstructions would be small and inconsiderable compared with the many great advantages to be derived by the citizens of those towns and the adjacent country, there being at this time about ten thousand bales of cotton, made per annum adjacent to its waters, also large quantities of timber and lumber of various descriptions, which has to force its way down the channel of said river, in very small flat boats, owing to its obstructions, which greatly increases the expense. It being a difficult matter to obtain insurance under such circumstances on boats laden with merchandize from the Bay of Apalachicola to Marianna, and it being well ascertained that the said River of Chipola affords sufficient water for steam Boats and Barges at almost any stage of water:

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be instructed to use his best exertions to procure an appropriation of ten thousand dollars, for improving the navigation of the Chipola River.

Be it further Resolved, That a copy of this preamble and these Resolutions be sent to our Delegate in Congress, so soon as adopted and certified by the Secretary of the House.

[Approved, 28th February, 1844.]

Preamble and Resolutions.

WHEREAS, The coast and straits of Florida are as a long lane through which vessels from all quarters of the Globe are continually passing and repassing : and whereas, the maritime interest of our country, has, and is suffering for the want of sufficient light houses: and whereas, Key Biscayne at Cape Florida has been totally abandoned, since its partial destruc-

Resolutions. tion by the Indians, thereby resulting injuriously, to the commerce of our country.

Be it therefore Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to urge upon Congress the absolute necessity and propriety of having Light Houses erected at Mosquito Inlet, Cape Cannaveral ; and the repairing of the one on Key Biscayne, at Cape Florida.

Be it further Resolved, That a copy of the foregoing preamble and Resolutions be duly authenticated and forwarded to the Honorable David Levy, by him to be laid before Congress.

[Approved, 28th February, 1844.]

Preamble and Resolutions.

WHEREAS, There are several public lots in the city of Pensacola, in the county of Escambia, believed not to be reserved for any particular public purposes, and whereas, the sixteenth sections which by law are reserved for school purposes have not been located, and owing to the existence of the numerous Spanish Grants in that county, it is doubtful whether they can be laid off, and even if so are entirely valueless, and utterly inadequate to carry out the beneficent object intended by Congress, of imparting instruction to the youth of our Territory.

Be it therefore Resolved. By the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress exert himself to obtain from Congress a donation to the free school of the city of Pensacola the public lots in said city, not intended for other purposes.

Resolved further, That a copy of the above preamble and resolution properly certified, be forwarded to our Delegate in Congress as early as practicable.

[Approved 6th March, 1844.]

Preamble and Resolutions.

WHEREAS, The Southern part of Columbia county has become thickly settled, and is still increasing in population and whereas, the said inhabitants, are entirely without the convenience of a mail route, or Post Office, the nearest Post Office being Newnansville, Alachua county, a distance varying from twenty to thirty miles, and the river Santa Fee running between said citizens and that Post Office, and whereas, the establishment of a mail route from Alligator to Black Creek a distance of not more than fifty miles, will afford the desired facility : Therefore

Be it Resolved by the Governor and Legislative Council of Resolutions. the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions, to get established a mail route, from Alligator, by Dulusty Creek, and by New River to Black Creek, and back once a week on horse back.

Be it further Resolved, That copies of the foregoing preamble and resolution be duly authenticated and transmitted to our delegate in congress, and to the Post Master General of the United States.

[Approved 6th March, 1844.]

Preamble and Resolutions, asking of Congress an appropriation for clearing out the obstructions in the Suwannee river, &c.

WHEREAS, the increasing trade and growing population of the counties bordering the Suwannee river, make the free navigation of said river at all seasons, a matter of vital import to the citizens of the adjacent country. And whereas, by reason of obstructions in said river, the navigation up to the Georgia line, is much impeded, to the great injury of the citizens residing in the vicinity of said river. And whereas, Congress did appropriate fifteen thousand dollars, for the removal of said obstructions, which was prevented from being executed by the breaking out, and continuance of the Seminole war, in consequence of which, said appropriation has reverted back to the national treasury.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to use his best endeavors to procure a reappropriation of said sum, for the clearing out the obstructions in said river, and that a copy of this Resolution be forwarded to him, by the Secretary of the Senate, immediately after its passage, to be laid before Congress as soon as possible.

[Approved 9th March, 1844.]

Preamble and Resolutions relative to public lands.

WHEREAS, the public lands, now surveyed and unsold, in the Territory of Florida, stood for years, subject to entry.— And whereas, in such surveyed lands, all of the first quality have been entered, there remaining consequently only those of an inferior quality. And whereas, it will be productive of an increase of population, and add much to the comfort and welfare of the poorer class of our citizens to have

Resolutions. the price of such lands reduced, thereby enabling them to obtain permanent homes, removed beyond the avarice of speculators, who are daily depriving this class of our citizens, of the proceeds of their hard labor, and thereby subjecting them and their families to great want, and believing that it will also add much to the public revenue.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to lay the matter in its proper light before that body, and press upon them the necessity of a reduction of the price of all public lands in this Territory which have been offered for sale.

[Approved 9th March, 1844.]

Preamble and Resolutions relating to the Seminary Lands.

WHEREAS, by act of Congress, passed as early as the 3d of March, 1823, it was enacted that an entire township in each of the Districts of East and West Florida, shall be reserved from sale, for the use of a Seminary of Learning, to be located by the Secretary of the Treasury. And whereas, by a communication made by the Governor of Florida to the Senate, it appears that only twenty-five thousand, five hundred and forty-one acres have been located under said law. And whereas, payment to the agent who made such location has not yet been made, although the service has been long since rendered.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested, to urge upon the Secretary of the Treasury, the taking of immediate steps to complete the location of the two entire townships, directed to be selected, by the act of Congress.

Be it further enacted, That he be requested to procure payment for the services rendered by the agent who located the amount of acres above stated.

Be it further Resolved, That the said Delegate be, and he is hereby requested, to communicate the result of his action in this respect, as early as practicable, that action may be had on the subject if necessary, by the present Council.

[Approved 9th March, 1844.]

Resolutions requesting our Delegate in Congress to procure certain benefits and appropriations for Dade County.

Be it resolved by the Senate and House of Representatives of the Territory of Florida, That the petition of our fellow-citizens, in the county of Dade, be forwarded by our Secretary,

forthwith, to our Delegate in Congress, the Honorable David Levy, requesting his earliest attention to the same, desiring him to use his best exertions to procure for them a Post Office, and Port of entry at their County site. Resolutions.

Be it further Resolved, That the Honorable David Levy, our Delegate in Congress, be requested in like manner, to use his best exertions to procure a suitable appropriation to assist our fellow-citizens in the county of Dade, to erect a Court House and Jail, at their county site, on the Miami, Cape Florida.

[Approved 9th March, 1844.]

Preamble and Resolutions asking a re-appropriation to repair the road leading from Jacksonville East Florida, to the Mineral Springs.

WHEREAS, by an act of Congress, passed on the 7th day of July, 1838, appropriating ten thousand dollars, to repair the road from Jacksonville, in East Florida, to the Mineral Springs, in said Territory, the direct mail route to Tallahassee, but in consequence of the Indian war, the said sum was not applied on said road as was intended, and by operation of law the said sum has reverted back to the Treasury of the United States.— Therefore,

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the attention of our Delegate in Congress, be called to the preamble and resolutions of the Legislative Council, approved on the 24th February, 1843, relative to this subject, and that he do urge the reappropriation of the aforesaid sum of ten thousand dollars, to repair the road aforesaid.

And be it further Resolved, That as soon as this preamble and resolutions pass both Houses, and signed by the proper officers, that a copy of the same, duly authenticated be sent to our Delegate in Congress. [Approved 9th March, 1844.]

Preamble and Resolutions relating to the Militia Claims of Colonel Dempsey Pittman.

WHEREAS, Colonel Dempsey Pittman, of the third Regiment of Florida Militia, was called into the service of the United States by an order, emanating from an officer of the Army of the United States, to aid in the removal of a certain tribe of Indians, then situated on the frontiers of Jackson county.— And whereas, the said Colonel Dempsey Pittman, has as yet received no compensation from the United States for his services. And whereas, the Legislative Council, did, at the session of 1840, pass certain resolutions recommending this mat-

Resolutions. ter to the consideration of the proper Department at Washington.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be, and he is hereby requested, to use his best exertions to procure the passage of a law by Congress, providing payment for services rendered by this meritorious officer.

Be it further Resolved, That a copy of these Resolutions, together with a copy of a Resolution, approved 2d March, 1840, in relation to this matter, be certified by the proper officers of the Legislative Council, and transmitted to the Honorable David Levy.

[Approved 9th March, 1844.]

Preamble and Resolutions.

WHEREAS, in July 1840, a proclamation was issued by His Excellency, Robert Raymond Reid, then Governor of Florida, commanding the volunteer company, organised, under his previous order in the County of Calhoun, called the Iola Volunteers, whereof Francis Arnou was Captain, to hold themselves in readiness to march whenever the public weal required it, said company to serve for the space of four months: and whereas, said company did, conformable to said proclamation hold themselves ready as aforesaid, for the space of four months and scouted on several occasions throughout the country adjoining the said County of Calhoun: And whereas, they have never received any compensation for their services, either from the United States, or the Territory of Florida.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested to use his best exertions to obtain from Congress, an appropriation to pay said company for thier said services.

Be it further Resolved, That a copy of the foregoing preamble and resolutions be certified by the proper officers, and forwarded to the Honorable David Levy, as soon as practicable.

[Approved, 13th March, 1844.]

Preamble and Resolutions.

WHEREAS, The United States mail to New Orleans, when conveyed by the Alligator route, to wit: via. Macon, Bainbridge, Marianna, Holmes' Valley, Lagrange, and Pensacola, was carried with great certainty and despatch, the road being unsurpassed in any county, in point of convenience for the transportation of passengers—so much so, as to elicit expres-

sions indicative of the highest degree of satisfaction from travellers, as well for the contractor as on account of the road which was profitable to all : and whereas, the change of route so as to go to Americus, and cross the Flint river at two places, thereby making an addition of bad road for many miles through a hilly country, and increasing the chances of the failure and detention of the mails, by crossing a river frequently impeded in its navigation by a succession of high floods for weeks together, proves itself utterly unsafe and ill adapted for the transportation of the mail : And whereas, since the abandonment of the aforesaid route, the public have sustained great injury and loss, occasioned by the detention and delay of the mails, besides their frequent failures ; and in addition to all this disappointment, a serious detention and delay of passengers : Therefore

Resolutions.

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in congress be, and he is hereby earnestly requested to urge upon congress the absolute necessity and propriety of a re-establishment of the mail on this important route, it being the main communication by stage between New York and New Orleans in the winter season, subject to less accidents from bad roads and high waters, than any other, most speedy and safe, and best adapted to facilitate the certain and effectual transportation of the mail and travellers.

Be it further Resolved, That as soon as the foregoing preamble and these Resolutions shall have been adopted, a certified copy of the same be forthwith transmitted to the Honorable David Levy, also to the Post Master General.

[Approved 14th March, 1844.]

Preamble and Resolutions.

WHEREAS, The establishment of a mail route from Cedar Keys, to intersect the central line from Tallahassee to Jacksonville, East Florida, at Columbus in Columbia county, would be of great importance to the citizens of Madison, Alachua, Columbia and Hamilton, Florida, there being no communication by mail between those places : and whereas, that portion of the country bordering on Suwannee river is being settled by an enterprising and industrious community, the products of whose industry is every year increasing ; already amounts to a very considerable item in the commerce of Florida, and whereas, Cedar Keys is the principal depot for all the exports as well as the imports of this section : Therefore,

Be it Resolved by the Governor and Legislative Council of

Resolutions. the Territory of Florida, That our Delegate in Congress be requested to lay before that Honorable body this matter in its proper light, and use his best exertions to procure the establishment of a mail route between those places.

Be it further Resolved, That a copy of this Preamble and Resolution be signed by the proper officers, and forwarded to our Honorable Delegate in Congress, and to the Post Master General of the United States.

[*Approved, 14th March, 1844.*

Resolution.

Resolved by the Governor and Legislative Council of the Territory of Florida. That Messrs. James T. O'Neill, Daniel Vaughan, Joseph Higginbotham, R. W. Kirkland and Nathan Norton, Jr., be, and they are hereby appointed Commissioners, whose duty shall be, on or before the sixth day of November next, to take into consideration the expediency of relocating the county site of Nassau county; and if to them it shall appear necessary shall, and are hereby authorized, to select some eligible location, as near the centre of the county as practicable, whereon to locate a new county site.

Approved 14th March, 1844.

Preamble and Resolutions.

WHEREAS, it has been the policy of the Government of the United States, to induce immigration, whereby many persons having come into Florida since its cession from Spain, and therein expended their time, means and labor, for many years, in preparing homes, and making subsistence for themselves and children: And whereas, emigrants and settlers had looked with confidence to the Government of the United States, for protection and safety against the wandering bands of Indians, which protection was its duty, and within its power to give: And whereas, the war which commenced, and was for a long time continued, under the frequent assurances from Government, of peace, to the great loss of life, and to the destruction of the renewed hopes of the inhabitants, and in many instances to the entire destruction of their property and means of livelihood: And whereas, the people of the Territory of Florida had neither the ability nor the right to raise money for the outfit and maintenance of troops for carrying on the same, but these were the duties and prerogative of the General Government only, of which it has assiduously maintained the direction and control thereof.

Be it Resolved, unanimously, by the Governor and Legislative Council of the Territory of Florida, That the depredations upon property, made by the Seminoles and other Indians, is a loss to the settlers of Florida, for which the Government of the United States is bound in justice to make a fair and early reparation. Resolutions.

Resolved further, That the Honorable, the Delegate in Congress, from the Territory of Florida, is requested to make an earnest appeal to the Government of the United States, for the payment of losses of property suffered from Indian depredations, and that a copy of this preamble and these resolutions, be communicated to him by the Secretary of the House of Representatives of the Legislative Council.

[Approved 14th March, 1844.]

Preamble and Resolutions.

WHEREAS, the direct route leading from Newnansville to Fort King, a distance of about sixty miles, is destitute of a road,

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That the Honorable David Levy, our Delegate in Congress, be requested to use his best exertions, to obtain an appropriation of two thousand dollars, for the opening of a road from Newnansville, commencing at the direct road leading from St. Augustine to Tallahassee, thence running a southwardly direction, and intersect the military road leading from Black Creek, to Tampa Bay, Fort Brook, at, or near Fort King.

Be it further Resolved, That as soon as this preamble and resolutions shall have been passed, and signed by the proper officers, a certified copy of the same, be forwarded forthwith, to the Honorable David Levy, our Delegate in Congress.

[Approved 14th March, 1844.]

Preamble and Resolutions.

WHEREAS, the establishment of a mail route from the City of Apalachicola to Marianna, would afford many facilities to the numerous citizens residing at St. Andrews Bay, and on the Econfena river: And whereas, no mail passes nearer these places than Holme's Valley, a distance of more than twenty-five miles, to those citizens, a matter of great inconvenience.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be, and he is hereby requested, to use his best endeavors, to procure the establishment of a mail route from Apalachico-

Resolutions. 1a, *via* St. Joseph, St. Andrews, and Econfena, to intersect with the Alligator route, at Marianna.

Be it further Resolved, That the above resolution shall not in any way, change the present mail route to the city of Apalachicola, by steam boats.

Be it further Resolved, That a copy of the foregoing preamble and resolutions, be forwarded to the Honorable David Levy, our Delegate in Congress; also, to the Post Master General.

[Approved 14th March, 1844.]

Resolutions for compensation to the Chaplains of the Senate and House of Representatives.

Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be requested to use his best exertions, to procure an appropriation of four dollars *per diem*, for the payment of the Reverend Doctor Yeager, for his services as Chaplain of the Senate, and a similar compensation for the Reverend Joshua Phelps, Chaplain of the House of Representatives, during the present session; and that allowance be made in each annual appropriation, to pay such officers.

Be it further Resolved, That a copy of these resolutions be signed, and forwarded to the Honorable David Levy, our Delegate in Congress.

[Approved 14th March, 1844.]

Preamble and Resolution.

WHEREAS, The county of Dade is at present without funds, for the purpose of educating the poor and orphan children, resident in said county, and have at present, no way of providing a fund for that purpose, and a school is about to be established in the county of Monroe, for the purpose of educating the poor and orphans of said county: Therefore,

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That for the present, and until Dade county shall have sufficient means to raise a fund for the above mentioned purposes, the poor and orphan children of Dade county, shall be entitled gratuitously, to tuition, in the free school of Monroe county, after said school shall go into operation.

[Approved 14th March, 1844.]

Preamble and Resolutions.

WHEREAS, the inhabitants of that part of West Florida, lying

on the Western side of the river Choctawhatchie, are, and have been laboring under great inconveniences, on account of there being no established Ferry on said river any where from the Alabama line to the Gulf of Mexico, a distance but very little short of one hundred miles: and whereas, said river being impassable at any stage of water (without swimming) the people of Walton county, most of whom live in the southern part of said county, and at the greatest distance from any ferry on said river, as well as those of Santa Rosa and Escambia counties, who are compelled to travel some sixty or eighty miles out of the direct course, to get to Tallahassee, there being no road nor ferry leading in a direct course. The United States mail is weekly crossing said river in a canoe, and after passing up and down said river a distance of several miles, which is a great hazard, and frequently causes a delay of said mail: and whereas, by reference to the appropriations made for the Territory of Florida, it will be seen that very little has ever been made for that part of Florida lying west of the Apalachicola: and for the last ten or more years no appropriation has been made for the benefit of the people west of Marianna, except at Pensacola; and it is equally as true, that no people in this Territory labor under greater inconveniences, for want of a road than the people West of Marianna, and particularly those west of the Choctawhatchie river; and whereas, from the advantages afforded naturally, for the opening of a road and the building of bridges, from Webbville, in Jackson County, to Ucheeanna in Walton county, and from thence to Milton, in Santa Rosa county, it is fully ascertained, that the appropriation necessary to be made would be small, when compared with facilities and benefits, that would be derived from such an appropriation, and whereas the United States mail, now carried in two horse coaches from Marianna, via. Geneva. Almirante and Milton, to Pensacola, is travelling out of its direct course a distance more than sixty miles, and over worse road than it would have to travel, by going the proposed route by Ucheeanna, crossing Choctawhatchie river, at a place known by the name of Half Moon Bluff, via. Ucheeanna and Milton, to Pensacola.

Be it therefore Resolved, by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby requested, to place the subject in its true light before the Congress of the United States, and use his best exertions to obtain an appropriation of five thousand dollars, to be applied to the opening of a road and the building of bridges, from Webbville in Jackson county, via. Ucheeanna in Walton county, to Milton in Santa Rosa county, thereby making a more convenient and complete route, from Marianna to Pensacola, and shorten the distance more than sixty miles.

Resolutions.

Preamble and Resolutions.

WHEREAS, The country bordering on the Atlantic, between St. Augustine and Cape Florida, is becoming daily settled : and whereas, much inconvenience is encountered by those settlers, in the want of a road to convey supplies, stock and utensils for the cultivation of the soil : and whereas, most of the bridges, on the Old King's Road, between St. Augustine and New Smyrna, are entirely decayed and unsafe.

Be it therefore Resolved by the Governor and Legislative Council of the Territory of Florida, That the Delegate in Congress from the Territory be, and he is hereby requested to urge upon that body, the propriety of appropriating a sufficient sum for repairing the bridges on the road leading from St. Augustine to New Smyrna ; and also for cutting a road from New Smyrna to Fort Pierce on Indian river, via. Enterprize.

Be it further resolved. That a copy of the foregoing Preamble and Resolution be duly authenticated, and forwarded to the Honorable David Levy, without delay.

[*Approved, 15th March, 1844.*

Resolution—R. Burney, deceased.

Be it Resolved by the Senate and House of Representatives of the Legislative council of Florida. That the full *per diem* of a member of the House of Representatives, be allowed to the widow of the Honorable Richard Burney, deceased, and that the Secretary of the Territory, be, and he is hereby required to issue the certificate of the Honorable Richard Burney, deceased, to his widow, for the whole amount which would have been due the Honorable Richard Burney, had he survived to the adjournment of the Legislature.

[*Approved, 15th March, 1844.*

Preamble and Resolutions.

WHEREAS, The navigation of Chrystal river is a consideration of great importance, from the large bodies of fertile lands bordering on said river, and the adjacent country, the shipment of produce from that section of country must naturally pass through said channel, as it will be perceived that it is one of the main outlets of Benton county : Therefore

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That the Honorable David Levy, our Delegate in Congress, be requested to use his best exertions, to procure an appropriation of five thousand dollars,

for the removal of obstructions from the channel of said river. Resolutions.

Be it further Resolved, That a copy of the foregoing Preamble and Resolution, be certified by the proper officers, and forwarded to our Delegate in Congress.

[Approved 15th March, 1844.]

Resolution.

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That Temple Pent, of the county of Dade, who contested a seat in this House, be allowed mileage and per diem, the same as is allowed to members of this Legislative body, up to the 26th day of January ; and that our Delegate in Congress, be requested to obtain an appropriation, for the payment of the same. [Approved 15th March, 1844.]

Preamble and Resolutions.

WHEREAS, the port of Tampa engrosses the chief part of the trade, on the Western side of the Peninsula of Florida, and from its favorable position and advantages, in a commercial point of view, will soon become an important port: And whereas, vessels suffer great inconvenience from the want of a light house at the entrance of said bay: Therefore,

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be, and he is hereby earnestly requested, to urge upon Congress the absolute necessity and propriety, of having a light house erected upon Egmon Key, or some other suitable place.

Be it further Resolved, That as soon as the foregoing preamble and resolution shall have been adopted, a certified copy of the same be forthwith transmitted to the Honorable David Levy, by him to be laid before Congress, as soon as practicable.

[Approved 15th March, 1844.]

Preamble and Resolution.

WHEREAS, the county of Calhoun is without a Court-house, and the increasing business of the county, the interest of the people, and the administration of justice, require that suitable buildings should be erected for judicial and county purposes: And whereas, the present resources of the county, are inadequate to the building of such houses, without onerous taxation: Therefore,

Resolutions. Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That the Honorable David Levy, be, and he is hereby requested, to obtain from Congress, for such purpose, a grant to said county, of one quarter section of land, to be located by three Commissioners, to be elected by the people of said county; and that this preamble and resolution be certified by the proper officers, and forwarded immediately to the Honorable David Levy. [*Approved 15th March, 1844.*]

Resolution.

Be it Resolved by the Senate and House of Representatives, That our Delegate in Congress, be requested to exert, as soon as may be, his best endeavors and influence, to obtain from Congress a law, establishing an additional Judicial District, in East Florida, to be composed of the counties of Columbia, Alachua, Marion, Benton, and Hillsborough, leaving the present Eastern District, so called, to remain constituted of the counties of St. John's, Duval, Mosquito, St. Lucia, and Nassau. [*Approved 15th March, 1844.*]

Preamble and Resolutions.

WHEREAS, his Excellency the Governor, in the year 1839, was authorized by an act of the Legislative Council to raise a force consisting of several companies of Militia, for the protection of the frontier, which companies were mustered into the service of the Territory, for a period of six months: and whereas, the Government of the United States, assumed the payment of those troops, subsequent to their being mustered into the Territorial service, and before the expiration of the period for which they were mustered, were received and mustered into the service of the United States for payment and turned over to the command of a United States officer: and whereas, twenty-two men, commanded by Captain Thomas Langford, and ten men commanded by Captain William Newbern, and four men commanded by Captain Redden, were rejected by the mustering officers of the United States: and whereas, said men did perform service in defence of the frontier, for a period of three months, and in consequence of their being rejected by said mustering officer of the United States, have not received any pay for said services: and whereas, said services were necessary, and said men were received by the mustering officer of the Territorial Government, and mustered into its service, as part of said forc e, raised for the protection of the frontier: Therefore

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress be requested to lay this matter before Congress, and use his best exertions to obtain an appropriation, to pay the claims of said men. Resolutions.

Be it further Resolved, That as soon as this preamble and Resolutions are adopted by the Legislature, the proper officers be instructed to certify to, and forward the same to our Honorable Delegate in Congress.

[Approved 15th March, 1844.]

Report and Resolutions of the Committee on the State of the Territory.

The Committee on the State of the Territory, to which was referred the communication of the Governor of Florida, in relation to the Report of the Commissioners appointed for the Western District of Florida, under the provisions of an act, entitled "An Act concerning Indian depredations, and for other purposes," approved 24th February, 1841, beg leave to report the following Resolutions:—

Resolved by the Governor and Legislative Council of the Territory of Florida, That the said report be published, and copies sent to our Delegate in Congress and the Secretary of the Treasury, and the original papers be placed in the office of the Secretary of the Territory for safe keeping.

Resolved, further, That the Delegate be requested to urge earnestly on Congress the necessity of the passage of a law to allow compensation for the losses contained in the report of the commissioners on Indian depredations, and to procure, if practicable, the passage of such a law.

[Approved 15th March, 1844.]

Preamble and Resolution.

WHEREAS, John A. Edwards, on the fourth day of March, in the year of our Lord, eighteen hundred and forty, appeared before William Budd a Justice of the Peace, in, and for the county of Jefferson, and acknowledged himself indebted to the Governor of the Territory of Florida, and his successors in office, in the sum of one hundred dollars, to be levied of his goods and chattels, lands and tenements for the use of the Territory; yet, upon this condition, that if one Jesse B. Holloman should personally appear, on the first day of the next term to answer of a certain assault and battery, whereof he, the said Jesse B. Holloman, stood accused, and should not depart without leave: and whereas, the said Jesse B. Holloman failed to

Resolutions. make his personal appearance before the Judge of the Superior court at the time and place aforesaid, because of his inability so to do, in consequence of his necessary absence as an officer in Captain Arthur Burney's company of Florida Militia. His recognizance estreated, and that of his sureties, and the said John A. Edwards had execution issued against him for judgment and cost in said case, for one hundred dollars. which said sum, the said John A. Edwards paid to the Marshal of the Middle District of Florida, on the seventeenth day of March, eighteen hundred and forty-two, all of which sum was a total loss to the said John A. Edwards: Therefore,

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the Treasurer of the Territory of Florida, be and he is hereby required to refund and pay over to the said John A. Edwards the sum of one hundred dollars, the amount so paid by the said John A. Edward.

[Approved, 15th March, 1844.]

Preamble and resolutions in relation to Indian depredations in Washington county, West Florida.

The committee on the State of the Territory having considered the Preamble and Resolutions referred to them, instructing the committee "to enquire into the recent depredations and massacres, committed by the Indians in Washington county, West Florida, and report what means should be adopted to afford protection," ask leave to report the following Preamble and Resolution:—

WHEREAS, There are no adequate means, for the removal of the Indians, in the power of the Territory, and the attempt to do so by force (granting we had the power) might embarrass the action of the General Government, by producing a conflict and confusion in their management of the Indians, which is to be avoided if possible; Therefore

Be it resolved by the Governor and Legislative Council of the Territory of Florida, That the attention of His Excellency the Governor, is hereby called to this subject, and that he is requested to communicate with congress, the Secretary of War, and the General Commanding in Florida, presenting a statement of the depredations, and massacres, committed by the predatory bands of Indians infesting our settlements, and requesting action to be had in reference thereto—such as the appointment of suitable agents, to negotiate with them, or the employment of such force for their removal, as may be adequate to that end.

[Approved, 15th March, 1844.]

Preamble and Resolutions.

Resolutions.

WHEREAS, the growing commercial importance of the town of New Port, on the river St. Marks, in the county of Wakulla, being now visited by numerous shipping, for the purpose of conveying the produce of a large portion of Florida, and a part of Georgia, to market ; and there being at this time, no convenience for the accommodation of sick or disabled seamen :

Be it therefore resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress use his best exertions to obtain from Congress, a suitable appropriation, for the purpose of erecting, at, or near the Town of New Port, a Marine Hospital, for the purpose of affording an asylum to unfortunate sick seamen, who may visit said Town.

Be it further Resolved, That a copy of this preamble and resolutions, be certified by the proper officers, and forwarded to our Delegate in Congress, at as early a day as possible.

[Approved 15th March, 1844.]

Memorial of the Governor, Senate, and House of Representatives, of Florida, to the Congress of the United States.

To the Honorable, the Senate and House of Representatives, of the United States, in Congress assembled :

The Memorial of the Governor, Senate, and House of Representatives of the Legislature of the Territory of Florida, respectfully sheweth, That the late Indian War, by which Florida has been desolated, and its inhabitants reduced, many to ruin, and others to want, from a previous condition of prosperity and ease, was a calamity, for which the people of the Territory are in no way responsible, but was the result of the policy adopted by the Government, of removing the Indians within our limits, and concentrating them in the West ; and of the injudicious and inefficient manner in which this policy was attempted to be carried out. The people of East Florida, particularly, at an early stage of the movements made in pursuance of the proposed measure, (viz., in January 1834, or nearly two years before the breaking out of the war,) endeavored to call the attention of the Government, to the difficulties in the way of its execution, by apprizing it of the open, avowed, and decided opposition of the Indians to removal ; hoping thereby to induce it, to adopt the precautions necessary, to prevent the evils which it was foreseen would otherwise ensue. This representation was borne out by an official communication from the Indian agent, to the Government, in October, 1834, (See Document 271, 24th Congress, 1st Session,) in which he expresses his positive belief, that the Indians were preparing for hostilities, and "had determined to resist the execution of

Resolutions. the Treaty of Payne's Landing," and that therefore he felt it to be his "imperious duty, to urge the necessity of strong military reinforcement," and concludes by saying, that "an imposing force, thus promptly marshalled, to coerce this refractory people, will awe the Chiefs into a proper respect for the Government, and afford protection to the neighboring white settlements.

The result has unhappily shown, that the precautions recommended were necessary, and that, had the warning, thus given by the agent, and which was in substance reiterated by the Government officials, then in the Territory, been promptly and officially acted upon, and an adequate military force thrown into the country, the calamities and losses which followed, would have been prevented.

In view of these undeniable facts, the people of the Territory feel that they have right and equity on their side, when they appeal to their Government, as they now respectfully do, for a full remuneration for the ruinous losses thus brought upon them, wholly by neglect on the part of those, whose duty it was to have provided against, and prevented them. Although the protection, which the Government certainly owed to the inhabitants of the Territory of Florida, was thus withheld, we trust that the justice due them will not also be denied; but that the rightful claims which they have upon it, arising from this neglect of their safety and interest, in the first instance, will be allowed and promptly and liberally provided for.

Your memorialists would respectfully suggest, as the first step towards the attainment of the object in view, the appointment of a Board of Commissioners, to sit in Florida, to enquire into, and ascertain the nature and extent of these losses—take testimony in relation to the different claims, and report upon them in such manner as Congress may direct. It may be well to state, for the information of Congress, at this stage of the matter, that the amount of these losses will, it is confidently believed, fall far short of the estimates generally heretofore made on the subject, and would be covered by a sum quite within the competence of the Government to pay, without inconvenience to the National Treasury.

[Approved 15th March, 1844.]

Preamble and Resolutions.

WHEREAS, it has been understood, that a square of sixteen miles, about Tampa or Hillsborough Bay, has been reserved by the United States Government for military purposes, of which square, Fort Brook is the centre, or nearly so: And whereas, the reservation necessarily excludes the whole land covered by, or included in it, from sale or settlement, and the

same is under the immediate control and direction of the military authorities of the General Government: And whereas, Resolutions. the present reservation includes, not only the mouth of Hillsborough river, but the waters adjacent, and the harbor at that place, which harbor or port is the only one, to which the citizens of that region, can, conveniently, resort for business and commercial purposes; by means of the military authority and control over the same, the citizens of the Territory are restricted in the free and unconstrained access to, and enjoyment of, the harbor or waters above mentioned, and cannot possess the ordinary advantages which should result to them, from the harbor or port aforesaid, in the same manner as they could, if the land was open to sale and settlement: And whereas, it is believed, that for all useful and practical purposes, a much smaller reservation would be sufficient for the Government, and that a square of one mile or less, would be abundantly sufficient for military purposes, and that the military reservation aforesaid, might be so reduced, without material injury to the interests of the Government, as to accomplish the objects aforesaid, and enable the citizens to build up a town, at, or near, the mouth of Hillsborough river: Therefore,

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress, be requested to bring this matter to the notice of the proper Executive, or Legislative Departments of the Government, and to use his utmost exertions to procure a reduction of the above reservation within smaller limits, and to have the surplus lands opened to sale, and settlement, and free access secured to the citizens to some point upon the waters of Tampa Bay, at, or near the mouth of the Hillsborough river.

[Approved 14th March, 1844.]

WHEREAS, present indications admonish us, in the most significant manner, of the necessity of preserving a just balance of power or influence between the slave-holding and non-slave-holding States; and make it most manifest, that the true interest of the South generally, as well as of Florida, require that the Floridas should come into the Union as two States, whenever they are admitted; and to that end, as well as for convenience, better government, and general welfare of the people of this Territory, in the meantime, the division of the Territory, and the establishment of two separate Territorial governments, would be highly proper and satisfactory to the people. It seems to be suggested by its practicability and expediency; and because it is a measure strongly promotive of Southern policy, and tends to our own political good. Each of the Territories are

Resolutions. much larger than several of the States, and each capable of receiving and sustaining a much larger population. The present union appears to be unnatural, and their geographical position will present a State of a most awkward shape, creating a controversy and confliction of interests, which will forever destroy that harmony so essential to the prosperity of a political body. This seems to have been the view taken of the Floridas by every other Government, which has had dominion over them. Originally, as Spanish provinces, they were separately governed, and were independent of each other. In this way they were ceded by Spain to Great Britain, in one thousand seven hundred and sixty-three, (1763) They continued separate provinces under that Government, and when they were re-ceded by Great Britain to Spain, in one thousand seven hundred and eighty-three, (1783,) no change was made. By the treaty of cession, in one thousand eight hundred and nineteen, (1819,) between Spain and the United States, they were ceded to the latter as separate Territories, known as East and West Florida. The Government of the United States seems to have regarded them in this light, for immediately after their cession, although General Jackson, clothed with the authority of Captain General of Cuba, was appointed to govern them, yet two separate officers, denominated Lieutenant Governors, were appointed to each of these provinces; and their present union was, originally, a measure only of temporary convenience. It is most manifest that the Treaty does not contemplate the admission of the Floridas, as one State, but in language that cannot be misunderstood, it secures to the inhabitants of each of these Territories, the right of admission as separate States, as soon as shall be consistent with the principles of the Federal Constitution. Therefore,

Be it Resolved by the Governor and Legislative Council of the Territory of Florida, That our Delegate in Congress do urge and use his utmost exertion, to procure the passage of a law dividing the Territory of Florida, and establishing two separate Territorial Governments, to be called, respectively, East Florida and West Florida; commencing on the Gulf of Mexico, at the mouth of the Suwannee river, to the Georgia line; and all East of said river to constitute the Territory of East Florida, and all West of said river to constitute the Territory of West Florida.

And be it further Resolved, That after this preamble and resolutions shall have passed the Senate and House of Representatives, and have been signed by the Governor, copies of the same be made and duly authenticated by the proper officers; and one copy be sent to our Delegate in Congress, one to the President of the United States, one to the President of the Senate, and one to the Speaker of the House of Representatives, of the Congress of the United State.

[Approved 15th March, 1844.]

Preamble and Resolutions.

Resolutions.

WHEREAS, the above memorial of the citizens of Tallahassee, together with a portion of those of East and West Florida, at a public meeting held in the City of Tallahassee, on the 9th of February, 1844, was adopted and transmitted to the Legislative Council of the Territory of Florida for their consideration, has been considered, and the facts therein set forth believed to be strictly true, and the provisions therein named loudly called for, by the necessitous wishes of the people of this Territory and elsewhere: And the Council would further state that the above named route, from Jacksonville, *via* Tallahassee and St. Marks, to New Orleans, would, by the mail now running from Tallahassee to Quincy, be connected with the old Alligator Line, running *via* Quincy, Rock Bluff, and Marianna, thus being connected with the Western Line, now running from Bainbridge to Pensacola, which route, if changed, as proposed by a Resolution, passed by this Council, to run from Webbville *via* Half-moon Bluff, Ucheeanna, Milton, to Pensacola, would shorten the distance from Tallahassee to Pensacola more than one hundred miles, and would add nothing to any other line, but would require that the mail carried on horseback, from Marianna *via* Econfena, Holme's Valley, to Ucheeanna, should, in lieu of going to Ucheeanna be conveyed to Geneva, which is about the same distance; this is not intended, however to interfere, in any way with the main route from Jacksonville, *via* Tallahassee, St. Marks or New Port, to New Orleans, but simply to show their connection and convenience: And whereas, it is known that the above arrangement would be of great and lasting benefit to this whole country, and would add greatly to the prosperity of the same.

Be it therefore Resolved, That our Delegate in Congress be, and he is hereby requested to place this subject in its true light, before Congress, and the Post Office Department, and to have the plans adopted, and to procure the necessary appropriation for the execution of the same.

[Approved, 15th March, 1844.]

Preamble and Resolutions.

WHEREAS, it has been represented to this Legislative Council, that the citizens of Benton county labor under many disadvantages, from the want of a proper and safe communication with the sea-board; and whereas, the danger and expense of wagoning their produce and other articles to the Port of Tampa, a distance, varying from fifty to eighty miles, over a low country, abounding in swamps and marshes, and so obstructed generally, as to render it almost impassable for heavily laden wagons at most seasons of the year, to the great injury and in-

Resolutions. convenience of those citizens: and whereas, the River Cheschowiska, which is about five miles in length, flowing Westward and emptying itself into the Gulf of Mexico, about ninety miles from the entrance of Tampa Bay is in direct communication with a fine and spacious harbor, wherein vessels drawing eighteen feet of water can anchor and lay in perfect safety; and whereas the navigation of said river is at present much impeded, and requires to be straightened, and in three places deepened, so as to admit vessels drawing eleven feet of water, to sail up the entire length to the wharves, thus affording to the inhabitants of the surrounding country, a speedy and safe communication with divers other ports: Therefore,

Be it resolved by the Governor and Legislative council of the Territory of Florida, That our Delegate in congress, be, and he is hereby earnestly requested to use his utmost endeavors, to obtain from congress, an appropriation of five thousand dollars, for straightening and deepening of the said Cheschowiska River.

Be it further resolved, That a copy of the foregoing preamble and resolution be duly authenticated, and transmitted to the honorable David Levy, by him to be laid before congress, as soon as practicable.

[Approved 15th March, 1844.]

Preamble and Resolutions.

WHEREAS, by an act of congress approved August 29th, 1842, the number of clerks and officers of the Legislative council has been reduced, and their pay fixed at three dollars per diem each: and whereas, by said reduction, the duties and labors of said officers are increased, thereby rendering it almost, impossible to obtain suitable and competent, persons to fill some of the most important offices of a Legislative body, at the rate now fixed:

Be it therefore resolved by the Governor and Legislative council of the Territory of Florida, That the pay of the Secretary of the House, and the Secretary of the Senate is too small to induce competent persons to take upon themselves the responsibility and labor of the office, and that the same ought to be increased to six dollars per diem, and in the opinion of the Legislature, they should be paid that sum for their labors at the present session.

Be it further resolved, That the pay of the other clerks and officers of the Legislative council, to wit: Assistant Secretaries, Foreman, Messenger and Sergeant at Arms or door keeper be increased to four dollars per diem, and in the opinion of this Legislative council, they should receive that sum for their services to the present council; and that the additional com

pensation of seventy dollars be allowed to the Foreman of the Resolutions. Senate, acting as assistant clerk for his services for the present session.

Resolved further, That a certified copy of the above preamble and resolutions be transmitted to our Delegate in Congress; also, to the Secretary of the Treasury.

[Approved, 15th March, 1844.]

Report and Resolutions concerning Richard C. Allen's Representative.

The committee on public accounts to whom was referred the memorial of Benjamin F. Allen with the accompanying papers praying the intervention of the Legislature to procure from Congress a suitable compensation for services performed by the Honorable Richard C. Allen, deceased, in locating the two Townships of land, granted by congress to Florida for the use of a Seminary of Learning

REPORT:

That they entertain serious doubts whether it was competent for the Legislature of Florida to have granted any portion of the lands located by the agent aforesaid as a compensation for his services since a donation of this valuable fund was made by congress to the Territory for a defined and specific purpose, viz: the promotion of a seminary of learning. If the Legislature had power to part with any portion of it for one object, however laudable it might be, it cannot be deemed that it would possess equal power to appropriate it to the advancement of any other which it might conceive desirable and proper, and thus the benevolent intentions of the Government in making this munificent endowment might be entirely defeated. Besides no title to these lands having vested in the Territory, but it being only permitted to take possession of them and lease them out from year to year, a conveyance of any portion of them by said Territory could not be valid, however acknowledged the value of the services performed by the agent above mentioned, and deem it but an act of Justice to his Representatives that an early and adequate compensation should be provided for their payment, they therefore ask leave to report the following resolutions:

Resolved, This Legislative Council is duly sensible of the services performed by Richard C. Allen deceased, in locating the lands granted by Congress for the use of a seminary of learning, and invoke the early attention of Congress to the necessity and justice of providing such compensation for said services as they may deem right and proper.

Resolved, That our Delegate in Congress be requested immediately on the receipt thereof to lay this report and the resolutions annexed before Congress, together with the accom-

Resolutions. panying memorial and other papers, and use his best exertions to procure its early and favorable action on the subject.

Resolved, That the Secretary of the Senate certify this report and Resolutions as also the accompanying papers, and transmit them to our Delegate in Congress as early as practicable.

[Approved, 15th March, 1844.]

[The following Act was accidentally omitted in the proper place.]

An ACT for the relief of a person therein named.

[Sec. 1.] *Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That the Auditor of the Territory be, and he is hereby directed to audit and allow to Lewis S. Bennett, his account of one hundred and nineteen dollars and seventy-five cents, against the Territory, for the services performed by him as Justice of the Peace; and for services and expenses rendered in guarding prisoners in Eighteen hundred and forty.

And the Auditor is further directed to issue to the said Bennett, or his order, a draft, upon the Treasury of the Territory, for the said sum of \$119 75, which shall be paid out of any monies in said Treasury. [Approved 14th March, 1844.]

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